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# LIBERTY

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D. C.

A MAGAZINE OF REFORM

CHILDREN OF A COMMON MOTHER



# DECLARATION OF PRINCIPLES

*Religious Liberty Association*

We believe in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ; namely, that the church and the state have been placed side by side, each to work in its respective sphere. (Matt. 22:21; John 18:36.)

We believe that the Ten Commandments are the law of God, and that they comprehend man's whole duty to God and man.

We believe that the religion of Jesus Christ is comprehended in the principle of love to God and love to our fellowman, and thus this religion needs no human power to support or enforce it. Love cannot be forced.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things, and that in this realm it is entitled to the respectful and willing obedience of all.

We believe it is the right and should be the privilege of every individual to worship or not to worship, or to change or not to change his religion, according to the dictates of his own conscience, but that in the exercise of this right he should respect the equal rights of others.

We believe that all legislation which unites church and state is subversive of human rights, potentially persecuting in character, and opposed to the best interests of the church and of the state; and therefore, that it is not within the province of human government to enact such legislation.

We believe it to be our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe in the individual's natural and inalienable right of freedom of conscience, and the right to profess, to practice, and to promulgate his religious beliefs; holding that these are the essence of religious liberty.

We believe that these liberties are embraced in the golden rule, which says, "Whatsoever ye would that men should do to you, do ye even so to them."

Religious Liberty Association, 6840 Eastern Avenue,  
Takoma Park, Washington 12, D.C.

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The Peace Portal Between the United States and Canada From the American Side ..... Flexichrome by L. M. Quade  
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## Our Cover Picture

We have traveled far to the northwest for our cover this quarter. Straddling the international border line that divides the Dominion of Canada and the United States of America, stands a large peace arch of Grecian Doric design. Our cover picture presents the American view of the arch, and the photograph on this page was taken from the Canadian side.

This Peace Portal was constructed in 1921 by the Pacific Railway Association. In September of that year thousands of persons came from the cities and towns of British Columbia and the States of Washington and Oregon to attend its formal dedication.

All who visit this memorial to peace will recall the fact that never since the present organization of these two great peace-loving nations has a hostile force crossed the three-thousand-mile boundary that separates them. May this will to keep the peace continue to be the guiding force that will control the destiny of these two neighboring peoples, and thereby set an example for other nations to follow.

## Back Cover

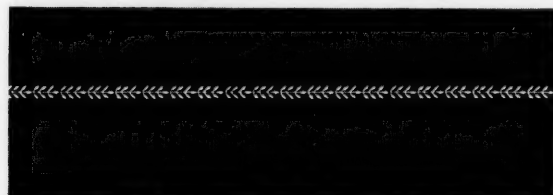
Freedom of Thought

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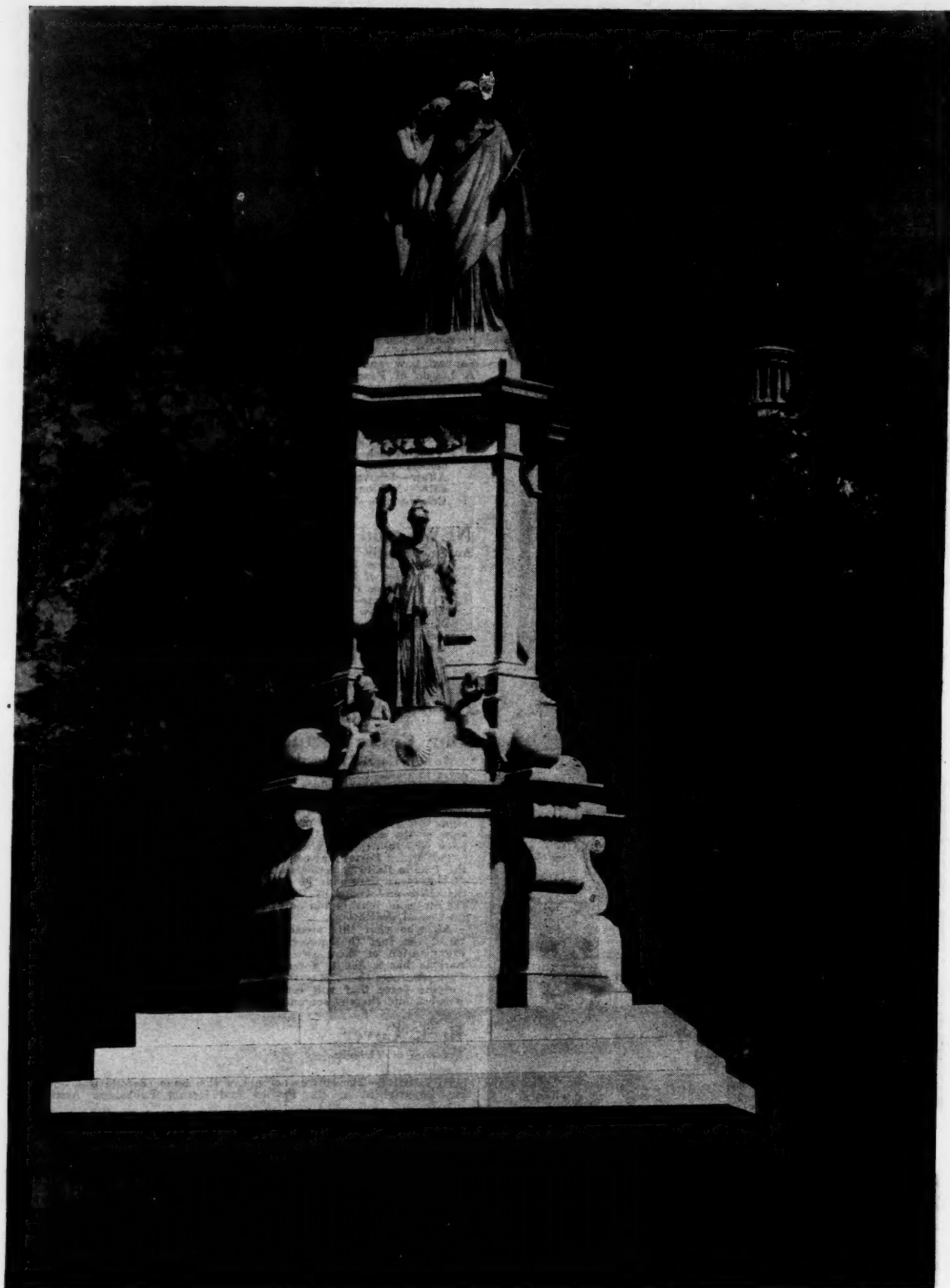
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A View From the Canadian Side of the Peace Portal at Blaine, Washington, and White Rock, British Columbia



SECOND QUARTER



HORYDCIAK

Practically Every Visitor to the United States Capitol Has Seen This Beautiful Peace Monument on Pennsylvania Avenue. It Was Erected in Memory of the Sailors and Marines Who Fell in the Battles of the Civil War



# A Wall of Separation

**Our historic and logical commitment to a separation of church and state means only public schools should be supported at public expense, says**

**J. HARTT WALSH**

[Dr. Walsh is dean of the College of Education, Butler University, Indianapolis, Indiana. He was formerly professor of education at Washington University, St. Louis, Missouri.]

**H**ISTORICALLY, certain principles and precedents have emerged which have determined the function and status in American democracy of the state, the church, and the school. These principles and precedents have been established and strengthened by statutes, constitutions, interpretations, and most of all, the socio-political beliefs of the people. They are important and basic elements of our system of democracy.

## Church and State Shall Be Separate

One of these principles is that there shall be a separation of the state and the church. "... We have staked the very existence of our country on the faith that complete separation between the state and reli-

gion is best for religion."<sup>1</sup> "In the words of Jefferson, the clause against establishment of religion by law was intended to erect 'a wall of separation between church and state.'"<sup>2</sup>

"Separation" really means independence for religions and churches. It means protection of, but not support or endorsement of, what a church or religious group does or promulgates. In the United States, religion is *not* a function of government at any level, as is education.

<sup>1</sup> Justice Rutledge, dissent in *Everson v. Board of Education of the Township of Ewing*, 330 U.S. 1 (1947).

<sup>2</sup> Justice Black, majority opinion, *ibid.*



FREDERIC LEWIS



EWING GALLOWAY

### Education Is a Function of the States

The federal government has taken an increasingly substantial interest in education and appears destined to exert a greater influence on it in the decades ahead. However, education has been declared to be a function of the states because "powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."<sup>3</sup> "We have a national system of education and national aspirations in and thru education; but the respective commonwealths remain the chief organs of the nation in achieving these ends."<sup>4</sup>

From the early days of the history of this nation, universal and free public education has been considered essential to national existence and to the attainment of those political, and more recently, social, and economic, goals envisaged as fundamental to a democracy. It is not strange then that each crisis and forward surge in our national life has witnessed a resurgent interest in, and a parallel development of, education throuth the nation.

The initiative has usually had its genesis in state action. This is true even today. It is evidenced by increased appropriations for education by all the states and local governments in terms of the amount of all taxes allocated to education.

At the same time, however, the Congress cannot make up its mind whether to appropriate less than one percent of the national budget for elementary and secondary education. This is understandable. Congressmen know that federal aid for education is vitally necessary to the very existence of the nation's schools, and that federal aid is as inexorable as the law of the Medes and the Persians. They know, too, that once an appropriation is made and the ice is broken, there will be no turning back; future federal funds for public schools will be larger.

The United States Supreme Court has said that education and the administration of schools is the

prerogative of each of the several states. But the Court reserves to itself the right to pass final judgment, and, presumably, to take what reasonable action it can to "aid in the development of" the public-school system.<sup>5</sup>

### Nonpublic Schools May Be Maintained

Another fundamental principle, implied tho not often expressly stated, is that private and parochial schools, privately supported and controlled, may be maintained without interference.

They may operate as coordinate with the public schools because "the fundamental theory of liberty upon which all governments in this union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only."<sup>6</sup>

This right and privilege should be diligently guarded as a fundamental principle of democratic social philosophy. The state, under our system of government, must make it abundantly easy for any individual or group, at any time, to establish or practice any religious belief whatever, and to open and operate any religious or sectarian schools, so long as they do not interfere with any other individual or group. However, the state, while providing all opportunity, must judiciously avoid giving material aid to a religion or to religions, either generally or specifically, directly or indirectly.<sup>7</sup>

### Public Support for Public Schools Only

Free public education available to all is also fundamental to our concept of democracy. Altho not always openly expressed, the courts, the presidents and prominent citizens thru their written words have given substance to the principle embraced in the convictions of our people—that universal, free, public education and the democratic state are mutually interdependent; neither can exist alone without the other; the strength of one depends on the strength of the other. For a few pronouncements on this subject, consider these words:

It is a "national tradition" with us to try to work out a school system offering education to all as "essential to the preservation of free government."<sup>8</sup>

"The history of the world has established the truth of the position, that there is no other effectual method of imparting education to all; but by means of public schools."<sup>9</sup>

"At the very foundation of the structure of democracy must be a sound system of public education."<sup>10</sup>

<sup>3</sup> The Constitution of the United States, Amendment X.

<sup>4</sup> Paul Monroe, *Founding of the American Public School System*, 1940. The Macmillan Company, New York. Vol. I, p. 194.

<sup>5</sup> *State of Minnesota v. Hitchcock*, 135 U.S. 373 (1902).

<sup>6</sup> *Pierce v. Society of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510 (1925).

<sup>7</sup> *Vissar v. Nooksack Valley School District No. 506*, *Washington Decisions*, June 22, 1949. Olympia, Washington. Vol. 133, No. 12, p. 675-88.

<sup>8</sup> *State of Indiana ex rel Anderson v. Brand*, 303 U.S. 95 (1938).

<sup>9</sup> James Buchanan, *Works*, I, p. 374.

<sup>10</sup> "Calvin Coolidge, Nominee for Vicepresident," *School Life*, August 15, 1920, p. 2.

"The free common-school system of the land is probably, after all, the greatest single power in the unifying process which is producing the new American race. . . ."<sup>11</sup>

"The instruction of the people, in every kind of knowledge that can be of use to them . . . ought to be the care of the public, and of all who have any share in the conduct of its affairs, in a manner that never yet has been practiced in any age or nation. . . ."<sup>12</sup>

" . . . the state or nation, or both combined, shall support institutions of learning sufficient to afford every child growing up in the land the opportunity of a good, common-school education, unmixed with sectarian, pagan, or atheistical tenets. . . ."<sup>13</sup>

The American public school is the very cornerstone of American democracy. From the earliest colonial days to the present, a majority of our citizens have believed in it and have had an abiding faith in the efficacy of public education for promoting the general welfare.

Almost at the moment the colonists set foot on the American shores, they established schools for the education of their children. And, interestingly enough, they soon made the maintenance of schools and attendance thereat mandatory, and assigned the responsibility for schools and education to the government and not to the church, altho the latter was the most influential institution in the early colonies. This fact takes on added significance when it is recalled that the schools which the colonists had known in their native England were largely church schools.

"By 1850, the inherited English idea of education as chiefly a private or religious concern had given way in all but the southern states to the doctrine that, on the primary and even the secondary levels, provision for education was a civic function. . . ."<sup>14</sup>

Historically, the American people have exhibited a profound devotion to the ideals and purposes of the public school. Confidence in its achievements and in its importance to a democratic society has grown as the nation has developed and progressed. Material support of the public school has, in general, paralleled the moral support given it.

The state-supported and controlled free public school constitutes the American school "system." There can be and must be no other system of schools competing for general public approval and support.

That is not to say, certainly, that private, parochial, and denominational schools may not operate parallel to and coordinate with the public schools. But the nonpublic schools must remain exclusively and completely nonpublic in support.

It may be pointed out that the nonpublic schools have been "forced" to accept certain public controls without receiving corollary support. This is true because education, all education, in the United States is the concern and responsibility of government. In

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1925, Justice McReynolds, speaking for the US Supreme Court in the Oregon Case,<sup>15</sup> asserted:

"No question is raised concerning the power of the state reasonably to regulate all schools, to inspect, supervise, and examine them, their teachers and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing be taught which is manifestly inimical to the public welfare."

### Nonpublic Schools Are Voluntary

There is an important distinction to be drawn between the two classes of schools. Public schools are *mandatory*. Private schools are *voluntary*. Public schools *must* be established and maintained; the constitutions and/or statutes of every state are explicit on this point. Nonpublic schools *may* be organized and operated.

Controls and standards for education, all education, are established by the state because *education, historically and legally, is a function of the states*. Standards and controls are established to benefit all citizens as far as possible, without reference to ethnic backgrounds, religious beliefs, and the personal notions of any group or groups. Conformance with standards and concurrence with certain public controls, in the instance of the nonpublic schools are, therefore, voluntary in the sense that their schools are voluntary.

### Nonpublic Schools Should Be Nonpublic

The nonpublic school should and must remain entirely nonpublic in character. *These schools are estab-*

<sup>11</sup> Andrew Carnegie, *Triumphant Democracy*. 1933. Doubleday, Doran and Company, Garden City, N.Y. p. 15-16.

<sup>12</sup> John Adams, *Works*, VI, p. 168. Charles Francis Adams, ed. Boston, 1851.

<sup>13</sup> U. S. Grant, address delivered at Des Moines, Iowa, September 29, 1875, before the Society of the Army of the Tennessee. *Journal of Education*, June 4, 1885, p. 358.

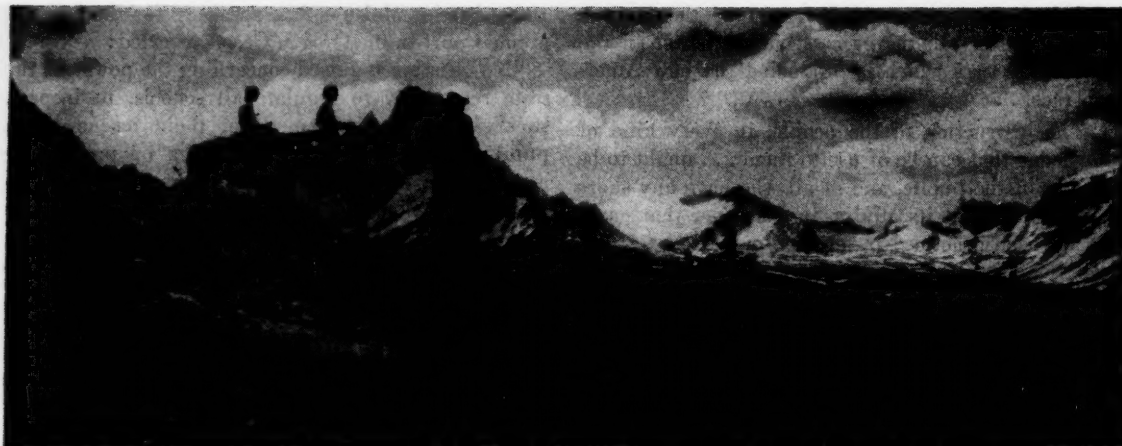
<sup>14</sup> Merle Curti, *The Growth of American Thought*. 1943. Harper Brothers, New York, p. 421.

<sup>15</sup> *Pierce v. Society*, *op. cit.*

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**If "church schools are instruments for the establishment and propagation of a specific religion," and if religion and education are integral parts one of the other in these schools, then no federal or state monies should be allocated to them if we are to maintain our traditional "wall of separation between church and state."**

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CANADIAN NATIONAL RAILWAY

Those Who Visit This Spot Are Really Sitting on Top of the World, for This Scene Is One and a Half Miles High, Above the Timber Line in Jasper National Park, Alberta, Canada

lished to promote or achieve a specific and limited purpose or end, unrelated to the generally accepted objective of education. Their educational functions are already being performed completely and adequately.

The nonpublic school invariably embraces elements in its program which are definitely unacceptable to many parents and which may be definitely disapproved by them. Even tho the educational program of the nonpublic school may meet state standards satisfactorily, the educational activities *per se* cannot be and are not divorced from the other factors, as religion, which prompted the establishment of a separate school.

One Roman Catholic official referred to "their religion and the education which is an integral part thereof."<sup>10</sup> The same individual also stated in a letter to United States Senator Thomas in 1943 that "the Catholic position is one of opposition to any measure for federal aid to education that would: [1] interfere with local control of the purposes and processes of education, and [2] fail to make mandatory the inclusion of Catholic schools in its benefits." He also averred that "their freedom of religion and conscience is interfered with" to the extent that *all citizens*, including Catholics, are taxed to support general public nonsectarian education.

It would seem, however, that the real interference with the freedoms guaranteed under the Constitution and by historical precedent, would be provoked by taxing all citizens to support, directly or indirectly, any system of "education which is an integral part" of one religious sect.

"Chief purpose of a church school, whether Catholic or Lutheran, is to train good Catholics or good Lutherans. A church school thus serves the purpose of establishing and propagating a particular faith. This is not to say that the teach-

ing of secular subjects in church schools differs largely from that in public schools. The reason for a church school is to bring children under the total influence of a particular religion. That influence is at work all of the time, even in the teaching of secular subjects.

"Hence, church schools are, first and last, instruments for the establishment and propagation of a specific religion, and federal aid to such schools must be construed as an aid to the establishment and propagation of a particular brand of creed. . . ."

### Freedom of Education

In a democratic society, with a system of government and historical traditions like the United States, the state, as a political entity, must maintain a detachment and impersonal interest in the needs and wishes of its citizens. At the same time, it must provide wide latitude and freedom for all its constituent organic bodies and their members to indulge their particular and manifold beliefs and activities, as long as they do not conflict with other citizens and with the constitutions and statutes of the state.

Nonpublic schools may be freely established and maintained, subject however, to constitutional and statutory controls, since education is a function of the state. If "church schools are instruments for the establishment and propagation of a specific religion," and if religion and education are integral parts one of the other in these schools, then *no* federal or state monies should be allocated to them if we are to maintain our traditional "wall of separation between church and state."

<sup>10</sup> Educational Policies Commission, NEA. *Source Book on Federal-State Relations in Education*, 1945. American Council on Education, Washington, D.C., p. 111.

<sup>11</sup> Rev. Gerhardt Mahler, editor, *St. Louis Lutheran* in "Letters from the People," *St. Louis Post-Dispatch*, August 7, 1949.

—NEA Journal, February, 1950. Reprinted by permission.



# Present Threats to Religious Freedom

By **THE REVEREND W. NORMAN PITTENGER**

**A**S WE AMERICANS watch the light of liberty go out in country after country in Europe and elsewhere, as the new totalitarianism extends its influence, we are led to cherish with all the more devotion those fundamental freedoms with which we are still blessed. And it is the hope—and should be the goal for our action—that these liberties may be preserved, even though the form of our democracy changes with the changing years. So far, it is certain, all Americans are agreed, whether they believe that it is through what has lately been called the “welfare state” or through some other means of a less planned nature, that our democracy is to be continued.

Now, central to our American freedoms is freedom of religion. So much has this been a part of our life in the United States that we take it for granted, without realizing, perhaps, how precarious preservation of this particular freedom may be in the world of tomorrow. Even now those who are alert to “the signs of the times” can see danger; even now, we

may say, this danger is not simply a future threat but a present reality. And while nobody in his right senses would claim that in our country we have developed a perfect theory of the relation of church and state, or of religion and civil government, we can surely affirm that so far as actual expression of religious belief has been involved the United States has been a free land through the long stretch of its history. And we must assert that we can never let this freedom go from us, without vigorous protest against any force or agency which threatens such deprivation.

There seem to be two directions from which a threat comes to this cherished freedom. One is from organized religious bodies that seek, for their own ends,

This Peaceful Church Scene Is Typical of America With Her Freedom of Worship and Social Security



J. SCAYLEA, FROM A. DEVANEY

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to extend their control of ever-enlarging areas of American life. The other is the encroachment by government upon that territory which throughout the span of our American past has been regarded as peculiarly the province of the church. Let us consider each one of these in more detail.

Perhaps the most blatant example of the former threat is to be found in the attempt of many Roman Catholic leaders to secure for their own purposes the public funds which are appropriated for the support of government schools and like agencies. Nobody can say, under the American system, that a religious group must not establish its own schools, for example; but it is difficult to see how any particular religious group can claim that it should have access to any public funds, under whatever pretext, for the support of such institutions. If the religious group wished to establish schools, then it is natural that it should have these schools supported by those who profit from them; if, as is claimed, this involves "double-taxation," that is necessitated by the fact that these institutions are indeed an "extra" for which people should be willing to pay, if they think the "extra" is worth while. Another illustration of the same threat has been the invasion of schools in some parts of the country (the Southwest, for example) by a particular religious group; this is a violation of the principle of fair play, in the interests of one particular point of view, and we must assert that the intention of our American theory has ever been to prevent any particular point of view from being given special privileges and peculiar favor.

On the other hand, when religious convictions, honestly held, are the occasion for arrest and imprisonment—as in the case of Jehovah's Witnesses, to take one instance, or those whose religious beliefs have made them conscientious objectors to any form of military training, to take another—we have the civil authority making an illegitimate intrusion into the affairs of the religious. Or, in an even more grave way, the decision of some boards of education and Federal agencies to introduce specifically religious teaching into schools supported from government funds—as reported in a news dispatch from Fort Knox not too long ago—represents a very dangerous threat to the integrity of the religious bodies whose freedom is guaranteed for us by our statute law as well as by our tradition. If religion, as such, is taught—even in a very diluted form—this has an even more profound and menacing aspect, for it might well mean that religious faith was thereby employed to bolster and support good citizenship. This the churches ought seriously to resent, for it implies turning religion into an adjective that modifies the state, rather than giving it a substantival reality, which indeed all great religions have ever claimed.

In American thought today there are many minds seriously troubled by the growing irreligion of the

land. The question is not whether this is a bad thing. Of course it is, and all religiously-minded folk, whether Protestants or Catholics or Jews, will agree. The fundamental question facing us is whether in the attempt to remedy this admittedly bad state of affairs we may not introduce the camel's nose into the tent and soon find that the camel is inside and we are outside! To let any one religious group acquire control of the schools is not the solution to our problem; nor is it to have religion taught as a kind of vague and diffused spirit of good will accompanying American democracy. The solution is to strengthen the teaching of religion by the agencies that are here specifically for that purpose—the churches and the synagogues. Only in this way can we be sure that every religious group will have its freedom guaranteed, and further, that religion thus taught will be taught in all its vigor and not as a denatured and eviscerated thing.

There are two things, therefore, that every lover of our traditional freedoms should seek to do: The first is to strengthen with all his power the established religious agencies of the land, each man or woman giving wholehearted allegiance to that particular group which has his membership. The second is to be vigilant to protect from danger that freedom which is part of our heritage—to protect it from insidious attack from without and from insidious attack from within. Unless we are zealous along both these lines, we may wake up someday to discover that we have lost our freedom of religion, either because some one religious group has become dominant, and therefore dominating, or because the state has determined that it has both the right and the power to supply what the churches have not supplied—a deep spiritual faith which alone can make democracy a workable affair in a world such as ours.

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"THE people who settled this country did not come here to establish a government. They were seeking liberty, not security. They were seeking an opportunity to enjoy freedom, the freedom of being let alone.

"They believed that every human being possessed certain inherent and inalienable rights by the grace of God and not by the grant of any government. To secure those rights, the people were willing to endure hardships and, if necessary, sacrifice their lives. It is not surprising that when their numbers increased and it became necessary to establish some form of government they grudgingly yielded powers—even to local governments. They realized that if an individual lost his freedom, to him it was not material whether it was taken from him by an individual despot or by a temporary majority. *History had shown that despots at times were beneficent, but mobs always were cruel.*" (Italics ours.)

—From an Address by the Hon. James F. Byrnes, given November 21, 1949, at Conference of Governors in Biloxi, Mississippi.

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HORYDCZAK

Statuary Hall in the U.S. Capitol as It Looked a Few Years Ago. Because of the Weight of the Statues and the Overcrowding of the Hall, Many of the Statues Have Now Been Moved to Other Parts of the Building

## Freedom Speaks From Statuary Hall

By WILLIAM H. HACKETT

**B**ENEATH THE GREAT DOME of the United States Capitol stand the symbols of an all-American religious liberty Congress. In the stately corridors and halls of the Capitol building are statues of men who had forthright convictions about the separation of church and state and about freedom of worship. If breath could be breathed into these figures of stones, and life injected into the lifeless likenesses of some of the nation's greatest statesmen of the past, their words might bear a striking application to events of this generation. Most of these statues may be found in Statuary Hall, "the people's" Hall of Fame.

This famous section of the Capitol is located where the U.S. House of Representatives once met. Statuary Hall was created by an act of Congress which was put into effect July 2, 1864.

This measure provided that "suitable structures and railings shall be erected in the old Hall of Repre-

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William H. Hackett

sentatives for the reception and protection of statuary. . . . And the President is hereby authorized to invite each and all the States to provide statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic and military services such as each State may deem to be worthy of this national commemoration; and when so furnished the same shall be placed in the old Hall of the House of Representatives, in the Capitol of the United

States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated."

Gradually the States have complied wholly or partly with the offer made by Congress. The selection of a "favorite son" to be honored with a statue in this famous hall is left entirely with the States and the selection must be accompanied by a resolution of



PHOTOS COURTESY ARCHITECT OF CAPITOL

Statues of George Washington and Thomas Jefferson From the Old Dominion State, Virginia  
On the Right: the Statue of John C. Calhoun, From the Palmetto State, South Carolina

approval of the respective State legislature. Thirty-four States have sent two statues each, and five States have contributed but one each.

Because of the weight of these marble and bronze figures, it has become necessary to relocate many of the statues. Today they are not all crowded into the section commonly referred to as "Statuary Hall" but are scattered through the halls of the south wings of the Capitol. Sensing the danger from the heavy weight, Congress took action in 1933 to permit one statue from each State in the Statuary Hall and provided that the others should be distributed in the vestibules, in the Hall of Columns and in the rotunda of the Capitol.

In the center of the Capitol and immediately under the dome are statues of other great Americans not included in the Statuary Hall collection, and in the Senate wings are busts of former Vice Presidents of the United States. From the utterances of these statesmen, represented by busts and statues, voices could be added to the all-time All-American Religious Liberty Congress.

It would be fitting for George Washington, whose symbol is in the rotunda of the Capitol, to call the Religious Liberty Congress to order.

As a matter of fact, the voice of Washington may be heard today as a warning against zealots who would legislate for or against this or that religious proposition.

Washington might today remind us of what he said in a letter dated May 10, 1789, and directed to

the general committee of the United Baptist churches of Virginia. Listen to his voice.

"If I could have entertained the slightest apprehension, that the constitution framed in the convention, where I had the honor to preside, might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it; and, if I could now conceive that the general government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded, that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny, and every species of religious persecution—For you doubtless remember, that I have often expressed my sentiments, that every man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience."

Yes, Mr. President, speak those words loudly today, for there are those who tell us we do not understand what was meant by the First Amendment and by pronouncements about the separation of church and state. There are those who say that in the 160 years since you were so prominent in providing for religious freedom we have come to have an erroneous opinion about what you and your associates meant when you spoke out so forcefully about these things.

Now, Mr. President, call on some of your associates, who stand around you in forms of marble and bronze.



As might be expected, President Washington would probably first recognize the famous champion of religious freedom—Thomas Jefferson.

We hear the great statesman repeat the words of the famous Act for Establishing Religious Freedom in Virginia. Listen!

"Whereas Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being lord both of body and mind, yet chose not to propagate it by coercions on either, as was in His Almighty power to do; *but to exalt it by its influence on reason alone.*"

And as he read "departure from the plan of the Holy Author of our religion" he would probably recall that while this famous bill of his was under consideration there were those who wanted to make it read "departure from the plan of Jesus Christ," etc. And that he himself had written that "the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mohometan, the Hindoo and infidel of every denomination."

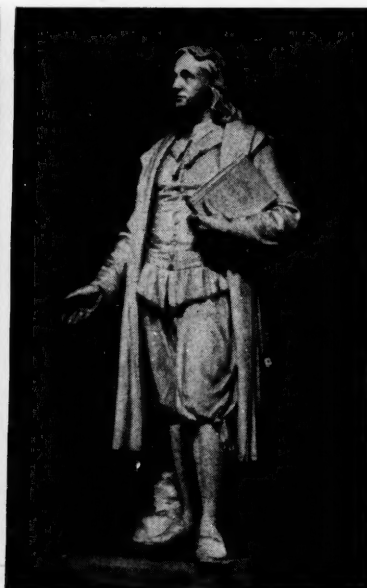
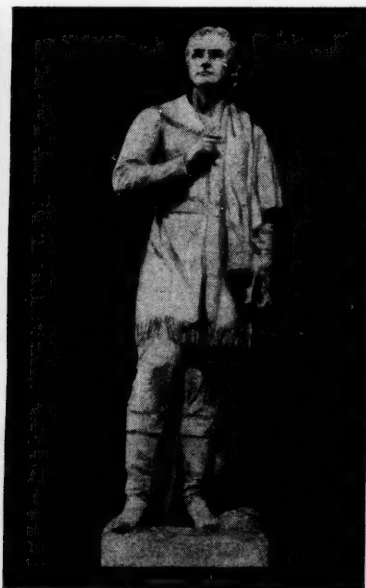
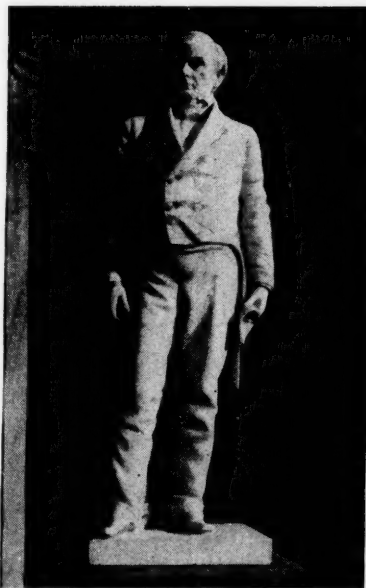
Yet, Mr. Jefferson, if you will yield for a moment, permit us to advise you that there are those today who are similarly seeking to amend the Constitution of the United States by legislative action bearing a similar meaning.

And if in the gallery listening to this historic session bringing back the words of our famous statesmen, there are those who would siphon off public funds for any form of religious cause or training, may they heed his words as Jefferson continues from his Act for Establishing Religious Freedom: "That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern."

There is more: "Our civil rights have no dependence on our religious opinions, any more than on our opinions in physics or geometry."

Someone from the present Congress might rise to remind the Speaker there are bills pending in this 81st Congress which might curtail the use of the mail for religious matter should the Postmaster General be one of great prejudice because broad powers of censorship are vested in him by these proposals.

Out of the past comes the voice of South Carolina's famous son whose figure in stone stands in Statuary Hall. Senator John C. Calhoun knows full well whereof he speaks because in his life he fought and won against just such a proposal on another occasion in the history of our country. It was when President Jackson called for drastic legislation to keep anti-slavery literature from being sent through the mail. It was in 1836 and on April 12 of that year Senator



PHOTOS COURTESY ARCHITECT OF CAPITOL

Left Statue: Daniel Webster, From the Granite State, New Hampshire. Center Statue: Sam Houston, From the Lone-Star State, Texas. On the Right: the Statue of Roger Williams, from Rhode Island, the Smallest State in the Union

Calhoun made a telling speech against the evils attendant to such legislation. He said the proposition "assumes for Congress jurisdiction over the liberty of the press. The framers of the Constitution—or rather those jealous patriots who refused to consent to its adoption without amendments to guard against the abuse of power—have, by the first amended article, provided that Congress shall pass no law abridging the liberty of the press."

Will you please yield, Senator Calhoun, for us to observe that 115 years after you won your fight, present-day followers and adherents to your belief with respect to this subject are still carrying on and are today protesting against just such evils now pending in this year—1950.

And another figure out of the past takes up the fight against legislation of this type. He is New Hampshire's contribution to Statuary Hall—Senator Daniel Webster.

As reported in Gales and Seaton's Register of U.S. Congressional debates, he said that "he was afraid that they were in some danger of taking a step in this matter that they might hereafter have cause to regret by its being contended that whatever in the bill applies to publications touching slavery, applies to other publications that the States might think proper to prohibit and Congress might, under this example, be called upon to pass laws to suppress the circulation of political, religious or any other description of publications which produced excitement in the States."

Biennially the national Legislature has placed before it a proposal for the enactment of some kind of Sunday closing legislation. Yes, patriots of old, a blue law in this generation, but fortunately your teachings have prevailed and Congress has refrained from acting. But not so with States and municipalities. Within recent weeks there have been arrests in Virginia and Maryland, as well as elsewhere, for conducting forms of labor or business on Sunday.

Perhaps Congressman Sam Houston, of Texas, wishes to make a speech on the subject. His statue is among the great in Statuary Hall, the contribution of Texas in recognition of him as a member of Congress, and governor and president of the Republic of Texas.

The occasion he recalls was nearly a century ago. It was in 1853, as he was en route home from Washington. A delegation of ministers, having knowledge he had joined the "Sons of Temperance," approached

him with a request that he bestow his influence and aid in securing enactment of a Sunday prohibition law. The following is his reply:

"I agree with you that any unnecessary amusement that is calculated to disturb and annoy persons engaged in religious worship on the Christian Sabbath is wrong and censurable, such as horse racing, gambling of all devices and indulging in a social glass in Public.

"You request me to use my influence and exertion such as I possess to induce the legislature to enact a law to effect the suspension of the same. I understand by that, you desire the law making power to declare it a penal offence for persons to perform certain acts on a particular day.

"In reply, I hold and maintain that it is far better to endure and suffer for the ills of even a great evil than to violate, in the least, a vital principle of civil and religious liberty. When tyrants ask you to yield one jot of your liberty and you consent thereto, it is the first link forged in the chain that will eventually hold you in bondage.

"History teaches us that men composing all denominations of religious faith, when clothed with ecclesiastical and temporal power combined, have been tyrants.

"Now, any law made by the law making power of the State intended to regulate a person's religious or civil conduct on Sunday, is in violation of the spirit of the Constitution of the United States, if not the letter. That clause was placed there by wise men; by determined men who had been careful students of history. They determined that their beloved country should not become the battleground of religious enthusiasts. . . . I never can give my consent to the passage of any law intended to regulate the manner in which they or any class of people observe Sunday. Such an act would be in bad faith. I would not only refuse to advocate such a measure, but I would interpose my solemn protest."

There are others waiting in Statuary Hall to speak, including Roger Williams, of Rhode Island, who ranks among the greatest of our pioneers for religious liberty. But this imaginary All-American Religious Liberty Congress must adjourn. May their words continue to echo in the ears of our present national legislators and in the ears of legislators to come. And may no one twist or distort the meaning of these words.



# Here I Stand . . . I Can Do No Other\*

By **FRANK JOHNSON PIPPIN**

*Minister, Community Church, Kansas City, Missouri*

ON JULY 3 I preached a sermon with reference to the decided trend and dangerous drift of our nation into socialism, which will eventually destroy our liberties. After having witnessed socialism and the other "isms" in Europe with my own eyes, I am convinced that the proposed bill on Federal aid to education is another step in that direction. But there is another angle to this bill that is quite different from the rest of the bills which would socialize our nation. After thinking of this particular angle for nearly a month, I think it very necessary now, as your minister and as a free Christian, that I make the following statement:

After weeks of careful and prayerful deliberation concerning Federal financial aid to education, I am compelled from an obligation of Christian conscience to declare openly that I cannot conscientiously pay any Federal taxes whatsoever for the Federal support of any church school. I make this statement for three reasons:

First, I am convinced that such Federal support would now weaken and eventually destroy our public school system because of the denominational rivalry that would ensue in the building of church grammar and high schools by over two hundred religious de-

nominations in this country. And this is saying nothing of the religious discord and hate that such a vicious system would engender. Already our divisions are ruining us, and such a situation would make those divisions deeper, more numerous, and more grievous to be borne.

In taking this position I do not single out any particular religious communion. I went through the war with all the communions. I said prayers over soldiers of all faiths in the strained emergencies of pain, loneliness, and death. And in those somber hours the fundamental conviction of our essential unity and equality under one God, captured my soul. My compassion embraced Protestant, Catholic, and Hebrew. To the genuineness, depth, and sincerity of this experience, God Almighty is my witness.

As I buried the battle-dead one raw, windy day at St. Avold, I vowed over their bloody, mangled bodies that I would for the rest of my broken life be a peacemaker. My memory became vivid and fresh with the impact of that wondrous beatitude: "Blessed are the peacemakers: for they shall be called the children of God." I made a covenant with God that I would oppose any force or movement that could or would destroy the unity of our people. It is my conviction that Federal aid to denominational or church schools would do exactly that.

\* From a sermon delivered by Dr. Pippin to a congregation of more than 1,500 at the Community Church, Kansas City, Missouri, July 31, 1949.



SIGNAL CORPS PHOTO

Once such aid becomes a legal and financial reality, a mad scramble among American denominations would ensue in the organization and building of grammar and high schools, to see which group could outbuild and outproselyte the other. One can readily see that hate, confusion, and discord would spread among our people, like some venomous poison, and how quickly such a program would further divide us into warring sects. What unity and understanding we now have would be reduced to a minimum and the constructive work of faith—friendship groups like the National Conference of Christians and Jews—would be hampered and finally halted.

As further evidence that my position is not mere theoretical prophecy, many denominations already have blueprints for the organization and construction of schools, to be executed if and when Federal aid becomes law. And in one large Southwestern city one of the largest Protestant communions recently finished the construction of a new high school, and many of their leaders have declared that they will build them all over the United States if Federal aid becomes law!

And far from inconsequential is the obvious but oft-forgotten fact that, for the Federal Government to support a church school is tantamount to that Government's supporting a church, because the teaching function of the church is basic and indigenous to her very life. Such a policy would destroy our time-honored tradition of separation of church and state, and when this tragedy occurs religious freedom, as we have known and enjoyed it ever since Roger

Williams' fight, will become a thing of the nostalgic past. That such aid would now weaken and eventually destroy our public school system is, therefore, an inevitable corollary of competitive denominational school building and the disappearance of religious freedom.

With the exit of our public school system will go our democratic way of life as we have loved, honored, and cherished it since the beginning of our nation. This is my second reason for opposing Federal aid to church schools. The public school is one of the bulwarks of our democracy. It is there that the American way of life is absorbed, caught, or taught. It is in that institution that divisions are little thought of and spoken of less, for our children are not singled out according to their denominations. They are there as American boys and girls to drink in our way of life, to learn of American history and culture, to experience the fair-play ideas of American sportsmanship, to learn to be a good citizen, and, above all, to learn the importance of mutual understanding and respect with reference to each other's families and faiths. That our public schools in many instances have failed in these basic intentions is no reason for throwing the baby out with the bath. Church schools have likewise fallen short of the excellent social and religious goals their founders set. Furthermore, the criticism that is being heaped on the public school today by its enemies should be taken with a grain of salt when one recalls the fact that a high percentage of the children of its foes are enrolled in public schools!

In the third place, I cannot conscientiously pay Federal taxes to support the propagation of any religious creed that violates my Christian conscience. To force any citizen to do so would be an act of tyranny. (Religious creeds are not taught in public schools.)

Federal aid to church schools would put all of us into that revolting position. Here one man would be paying to have children taught that if they do not belong to a certain church they are lost forever, when that man believes exactly the opposite. Then another man or woman would be paying taxes to have children taught that, unless they receive a certain mode of baptism, they can never become Christians, when that man and woman believe in no baptism at all! On the one hand, a family would be taxed to have children imbued with the doctrine of an everlasting hell for the wicked, when that family believes in no hell except the hell we bring upon ourselves on this earth. On the other hand a family would help to foot the bill for teaching children that there is only one true church, when that family has belonged to a half dozen denominations and found the Lord Jesus Christ in every one of them!

Of course, this is still, relatively speaking, a free country, and church schools can teach whatsoever they



SIGNAL CORPS PHOTO

An Army Chaplain During the Last Terrible Conflict Reads the Burial Service as the Battle-Dead Are Laid to Rest in Graves Across the Sea



please. But with this right to teach doctrine goes the responsibility of paying for it! As for me and my house, we cannot conscientiously pay for that kind of teaching, or for any kind that violates our Christian consciences.

I believe in religious freedom. I believe in the freedom to change my faith, when I see that I should. I believe I should be free to propagate my faith, to preach and teach it to little groups and to the multitudes. But I also believe that with that freedom goes the responsibility of paying for it. I ask no man whose faith is contrary to mine to finance my religion, and

I do not believe he has any reason or right to ask me to finance his.

God knows I do not intend for my position to be an invitation to lawlessness. I am simply one man stating my position as a free Christian, and I believe there are at least fifty million others of all persuasions in the United States who feel the same way.

I am not saying what I will do if Federal aid to church schools becomes law. That is a decision that I may have to make at a later date between only God and me. I hope I never shall. But as for now—"Here I stand, God helping me, I can do no other."

## Sunday Law and Sabbath Observance

By LEO PFEFFER

[Dr. Pfeffer is assistant director of the American Jewish Congress Commission on Law and Social Action and an authority on problems of church and state.]

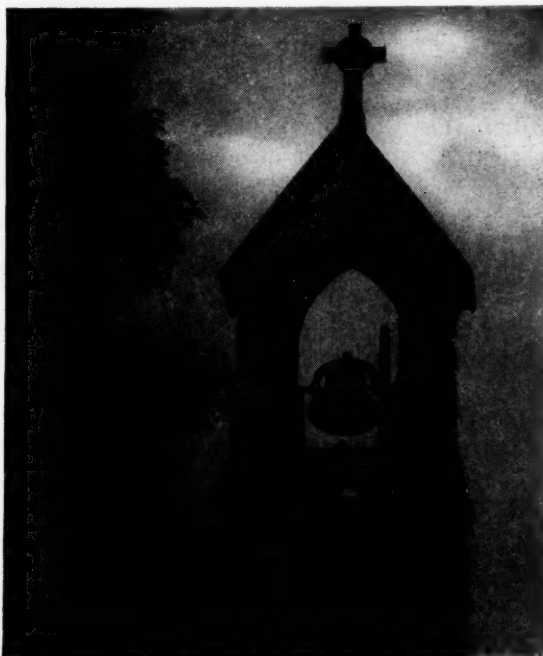
ABOUT A CENTURY AGO, a distinguished American jurist expressed the opinion that, "The manifest object of the men who framed the Constitution of our country, was to have a State without religion and a Church without politics—that is to say, they meant that one should never be used as an engine for any purpose of the other." This, indeed, is the meaning of the concept of separation of church and state embodied into the American Constitution and tradition by the generation of Jefferson and Madison. Yet there is hardly a more flagrant use of the engine of government to further the purpose of the Christian religion than the legal recognition of Sunday as holy time.

Sunday laws have been justified on the ground that this is a Christian country and that since Sunday is sacred to the overwhelming majority of our citizens, a religious minority such as the Jews, must yield to the will of the majority. However, the assumption that Sunday is sacred to the majority of Americans is incorrect. A majority of Americans are not affiliated with any Christian congregation. And even among practicing Christians, a substantial number of Baptists and Adventists agree with Jews that the seventh rather than the first day of the week is the Sabbath.

The issue of majority or minority is irrelevant in matters of religion. As the House of Representatives said in 1830 when it adopted a report rejecting a petition that the mails not be carried on Sunday: "The Constitution regards the conscience of the Jew as sound as that of the Christian, and gives no more

authority to adopt a measure affecting the conscience of a solitary individual than that of a whole community."

The legal recognition of Sunday in the United States affects the conscience of Sabbath-observing Jews in a variety of ways. Jewish young men and women desiring to enter the civil service find it a



H. N. LAMBERT

The Ringing of Church Bells Is Music to the Ears When the Church Is Free and the State at Peace With Her Neighbors. Would That This Were True All Over the World

frequent practice to give examinations on Saturday. Only in a small number of States is the Sabbath observer permitted to take an examination after sundown. Besides, a substantial number, if not most civil service positions are entirely closed to the Orthodox Jew and Seventh Day Christian. The Post Office department has long been notorious in this respect; it requires all employees to work on some Saturdays, even though many post office services are performed on Sunday, and it would therefore be a simple matter to provide for the Jew who, for religious reasons, would gladly work on Sunday rather than Saturday.

A particularly outrageous attack upon the conscience of Sabbath observing Jews was averted last year through the timely intervention of the American Jewish Congress. A young Jewish woman in Philadelphia lost her position and applied for unemployment insurance benefits. The unemployment insurance office referred her to a job which she refused to accept because the position required work on Saturday. The unemployment insurance board thereupon cancelled her benefits. The young lady applied for assistance to the Philadelphia region of the AJCongress, which immediately instituted legal proceedings to reverse the board's decision. The suit attracted nationwide attention and support not only from Jews and civil libertarians but also from prominent Christian leaders who recognized that a threat to the religious liberty of a minority is a threat to the liberty of all. Faced by this unanimity of opinion, the Philadelphia board retreated. It petitioned the court for leave to reconsider its action and upon being granted leave, it reversed itself and restored the applicant's benefit rights. In Youngstown, Ohio, a similar decision by an unemployment board has been appealed to the courts.

By far the most widespread interference with the religious liberty of Sabbath observers is the compulsory Sunday law. In effect in all but a few of the States, these laws prohibit work and labor or engaging in business on Sunday. Lately, courts have attempted to justify Sunday laws as health measures. As one court said:

Laws setting aside Sunday as a day of rest are upheld, not from any right of the government to legislate for the promotion of religious observances, but from its right to protect all persons from the physical and moral debasement which comes from uninterrupted labor. Such laws have always been deemed beneficent and merciful laws, especially to the poor and dependent, to the laborers in our factories and workshops and in the heated rooms of our cities; and their validity has been sustained by the highest courts of the States.

The court did not indicate why resting on Saturday cannot be as healthful as resting on Sunday. To any objective student, Sunday laws must clearly constitute use of government as an engine to further religious purposes and are therefore inconsistent with our Constitutional principle of separation of Church

and State. An examination of the historic development of Sunday laws indicates clearly their religious nature and their status as an aspect of Church-State union.

The first Sunday law known was promulgated by Constantine, the first Christian emperor of Rome, who made Christianity the official or state religion of the Roman Empire and designated the first day of the week, known as the "Lord's Day" a day of official rest and worship. The first Sunday law to be promulgated in what is now the United States was the Virginia law of 1610. This law, a product of the Church-State union of that colony provided:

Every man and woman shall repair in the morning to the divine service and sermons preached upon the Sabbath day, and in the afternoon to divine service, and catechising, upon pain for the first fault to lose their provision and the allowance for the whole week following; for the second, to lose the said allowance and also be whipt; and for the third to suffer death.

In colonial New York, too, there was a union of Church and State, and the Sunday laws promulgated both by the Dutch and the English were likewise religious measures. The primary purpose of the laws also was to insure attendance at Church. The first prosecution for Sunday law violation in New York of which we have record occurred in 1655 while the colony was still under Dutch rule. Abraham de Lucena, a Jewish merchant, was charged with violating the law by keeping his store open during the Sunday sermon.

The present New York Sunday law is typical, both in wording and in history, of the many similar laws throughout the country. It consists of Article 192 of the Penal Code and in its present form dates back to 1664. In its original form it was frankly a religious statute, not only prohibiting labor on Sunday, but affirmatively requiring public preaching on that day. Although this requirement was subsequently abandoned, the statute has not lost its religious basis, notwithstanding the adoption of the State Constitution and the First Amendment of the Federal Constitution in 1777 and 1791 respectively, guaranteeing freedom of religion. One court has remarked that, "The Christian Sabbath is one of the civil institutions of the state" (*People v. Moses*, 140 N.Y. 214, 1893), and another has stated that "the legislation of the state against profanation of the Christian Sabbath is operative and imperative against all classes of the community" (*Matter of Agudath Hakehiloth*, 18 Misc. 717, 1896).

The New York Sunday law is probably the most hypocritical statute in the law books; certainly it is more frequently violated and less often enforced than

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There Were No Printing Presses in Constantine's Day to Print and Publish His Royal Edicts. Instead, Public Announcements of His Orders Were Made Directly to the People. His Famous Sunday Rest Order Was Given the Force of Law as a Royal Messenger Proclaimed It in the Market Place



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KREIGH COLLINS, ARTIST

**SECOND QUARTER**

**19**



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**"Nature is diversified," says John Clark Ridpath, the world historian, "so are human faculties, beliefs, and practices. Essential freedom is the right to differ, and that right must be sacredly respected."**

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any other law. Occasionally, a judge, with refreshing honesty, calls them "dead letter laws," and remarks that it "is not the business of the police to revive them. They are not employed and paid by the citizens for any such purpose" (*People v. Hesterburg*, 43 Misc. 510, 1904). More often, however, the judge merely shrugs his shoulders and says: "As long as it remains on the statute books, it should be enforced" (*Koelble v. Woods*, 92 Misc. 254, 1916). One judge even refused to approve the incorporation of the Agudath Hakehiloth of New York because the annual meeting was to be held on the second Sunday in January of each year and this would "affront the religious susceptibilities of others" (*Matter of Agudath Hakehiloth*, 18 Misc. 717, 1896).

Originally, the New York Sunday law prohibited all forms of labor, trade or commerce. Its history since its first enactment has been a succession of amendments creating exceptions and exemptions, based not on the necessity or desirability of the exempted trade or article, but on the lobbying power of the pressure group seeking the particular amendment. The New York law does not permit a tailor to keep his store open on Sunday but allows the sale of beer on that day, not because it is more important to quench one's thirst with ale than to have one's trousers repaired, but because tailors are small individual merchants, while brewers are well organized and employ expensive legislative representatives at the state capitol. The logic of the exceptions can hardly be explained otherwise. You may buy a can of sardines in a delicatessen store all day on Sunday (*People v. Wolen*, 161 Misc. 286, 1936), but a grocer commits a crime if he sells it to you after ten in the morning (Penal Law, Section 2147, subdivision 1). It is legal to buy souvenirs on Sunday but it is illegal to buy soap. It requires an acute mind to discover the logic of a law that forbids the sale of all articles or commodities on Sunday except "prepared tobacco, bread, milk, eggs, ice, soda-water, fruit, flowers, confectionary, souvenirs, newspapers, gasoline, oil, tires, drugs, medicines, and surgical instruments . . . delicatessen . . . and beer," and that forbids all work, labor or commerce except concerts, recital dances, motion pictures, plays, musical comedies, professional baseball, bowling, basketball, football and hockey.

It is doubtful that the Legislature wishes the Sunday Law to be enforced and yet it will not repeal it. Certainly, as one court remarked, "the surest way to have it repealed is by strict enforcement." Aside from

the fact that the law is continually violated by practically everyone who is not too young or feeble to leave his house on Sunday, if the penalty for violation were consistently imposed upon all who violated it on a single Sunday, our economic system would be completely upset; for the statute provides that, in addition to other penalties, "all property or commodities exposed for sale on the first day of the week in violation of the provisions (of the law), shall be forfeited" (Penal Law section 2149). Imagine, if you can, what would happen if all the articles in all the stores open Sunday in Times Square or Coney Island were confiscated by the police. Fortunately, no effort has been made to enforce this provision.

But while the large chain store owner is pretty much immune from the Sunday law, the small Sabbath observing butcher in Brownsville or on the East Side unfortunately is not. If he keeps his store open five minutes on Sunday, he is likely to have a summons served on him.

Under the leadership of the American Jewish Congress, a twofold campaign is being undertaken to obtain relief for the Sabbath observing Jew. On the one hand, an attempt is being made in the New York State Legislature to amend the Sunday law so as to grant local option to cities, towns and villages to permit those who observe a day other than Sunday as holy time to keep their businesses open on that day, provided they do not disturb the peace and repose of their Sunday observing neighbors. Such a bill was introduced toward the end of the 1949 session of the New York Legislature by Senator Arthur Wachtel, and has been reintroduced early in the current session. Simultaneously, the AJCongress is proceeding also on the judicial front. It is now prosecuting a test case before the New York courts to establish that Sunday laws are unconstitutional unless they are construed to exempt persons who observe a day other than Sunday as holy time. The case which, if necessary, will be appealed to the United States Supreme Court, arises out of the prosecution of two East Side kosher butchers for violating the Sunday law by keeping their places of business open Sunday morning. They were convicted by the Court of Special Sessions and have appealed to the Appellate Division. In the brief to the appellate court, submitted on behalf of the defendants by the CLSA of the American Jewish Congress, five major points are argued:

1. The section of the Penal Law forbidding retail business on Sunday should, as a matter of legislative intent, be construed to exempt those whose religious beliefs require them to abstain from work on a day other than Sunday.
2. The Sunday law is a religious law and therefore an unconstitutional law in violation of the American principle of separation of Church and State as defined by the United States Supreme Court in the *McCullum* released time case.
3. Even if the Sunday law is a health measure and not a religious statute, it unconstitutionally abridges the religious liberties of those observing a day other than Sunday as holy time.



4. The crazy-quilt pattern of the exemptions and exceptions of the Sunday law is arbitrary and discriminates unconstitutionally against small retailers.

5. Even if the Sunday law is valid, it has been discriminatorily enforced against small retailers, while large chain stores, radio and television broadcasting companies, operators of sports arenas, amusement centers, night clubs and similar types of business have been permitted by the police to violate the law continuously without hindrance.

The number of persons seriously handicapped by

the operation of Sunday laws is no doubt small. The underlying principles of fair play and religious liberty is, however, basic to the American democratic system. These principles demand recognition of the rights of non-Sunday observers to freedom from compulsion or penalty for the practice of their faith. —*Congress Weekly*, Feb. 13, 1950. (Reprinted by permission.)

## A Lesson of Peace to All Nations

### ***The Story of the Canadian-United States Peace Portal, and What It Means to the World in This Atomic Age***



**C**LOSE TO THE WATERS of the Pacific Ocean, on the western side of the continent of North America, stands a massive and beautiful arch, sixty-seven feet in height.

In its building there were used fifty tons of tension steel and eight hundred cubic yards of concrete. "Workmen from both sides of the line labored side by side with one motive in mind—completion of a monument which might ever stand for a high degree of skill and the closest ties of companionship." Standing, as it does, with one foot planted in Canadian soil, and the other anchored firmly in the U.S.A., the structure presents an inspiring sight to visitors who chance to pass that way. This memorial was dedicated to the cause of peace in September, 1921, with appropriate and impressive ceremonies; and is situated in a large parkway, beautified by hundreds of brilliant flowers.

As one gazes at this simple yet inspiring Peace Portal from the American side, his attention is at once arrested by these words, engraved in shining gold just above the archway, "Children of a Common Mother." Above the ridge-way, on a large flag-staff, the Stars and Stripes, emblem of a freedom- and peace-loving nation, flutters majestically in the breeze.

"In the outer wall on the American side has been set a bronze tablet bearing a replica of the Mayflower. Reposing in the wall beneath it, within a casket of hammered steel taken from a slaver vessel three hundred fifty years ago, is a piece of the Pilgrim Ship, together with a moving picture film entitled: 'The Sacred Faith of a Scrap of Paper.' The scenes on the film, taken in Europe and in America, depict the story of the 'Treaty of Ghent,' and one hundred years of peace between two great peoples."

Walking under the archway, one is reminded of these long years of peace by an inscription which reads, "Open 100 years 1814-1914." In fact, the gates are always open, for they are turned back and

locked against the walls of the portal's interior. Also, upon the wall is another inscription which expresses this hopeful sentiment: "May These Gates Never Be Closed."

Passing through the portal, we find ourselves on Canadian soil, and as we look toward the blue sky above the archway, we can see the Canadian red ensign unfurled against the sky. As "these two national emblems float gracefully to the same breezes," they "seem to catch and hold within their folds the spirit and purpose of all those who salute these colors, as united in the interest of international good will."

Below the Canadian flag, across the top of the portal, are these thought-provoking words, "Brethren Dwelling Together in Unity." Also on the Canadian side is a bronze tablet showing in replica the S.S. *Beaver*, the first steam-propelled vessel to navigate the Pacific Ocean, the voyage having taken place in June, 1836.

"Enclosed in a metal casket within the wall is a relic of the S. S. *Beaver*, placed there as a memorial to this conqueror of the mighty sea. The Peace Portal also commemorates the Rush-Bagot agreement, entered into by His Majesty the King and President Monroe, in 1817, by virtue of the provisions and the spirit of which the whole line from the Bay of Fundy to the Straits of Juan de Fuca, for more than a hundred years, has been ungarrisoned and unfortified. Enclosed in the wall of the structure are historic documents describing the pleasant relationship between the United States and Canada over this long period of time."

Its international significance is recognized by the following words on a plaque at the portal: "This unfortified boundary line between the Dominion of Canada and the United States of America should quicken the remembrance of more than a century-old

#### AMERICA

My country, 'tis of thee,  
Sweet land of liberty,  
Of thee I sing;  
Land where my fathers died,  
Land of the pilgrim's pride,  
From every mountainside  
Let freedom ring.

My native country, thee,  
Land of the noble free,  
Thy name I love;  
I love thy rocks and rills,  
Thy woods and templed hills;  
My heart with rapture thrills  
Like that above.

Let music swell the breeze,  
And ring from all the trees  
Sweet freedom's song;  
Let mortal tongues awake;  
Let all that breathe partake;  
Let rocks their silence break,  
The sound prolong.

Our fathers' God, to Thee,  
Author of liberty,  
To Thee we sing:  
Long may our land be bright  
With freedom's holy light;  
Protect us by Thy might,  
Great God, our King.

—Samuel F. Smith.



BREIDFORD

Samuel Hill Memorial Park, Showing the Peace Portal, at Blaine, Washington, on the International Line Between Canada and the United States

#### O CANADA!

O Canada,  
Our homeland strong and free,  
Fair are thy lands  
That spread from sea to sea.  
Thy mighty mountains soar,  
Dear land,  
Close to the smiling skies.  
Thy children sing  
With one accord,  
O Canada, arise.

Chorus:

O Canada, dear Canada,  
Fair are thy lands  
That spread from sea to sea,  
And with our lives  
We'll guard thy liberty.

O Canada,  
Blest with the wealth of kings,  
From land to land  
Thy fame eternal rings.  
Fearless and bold  
Thy brave sons  
Will guard thee night and day.  
Our glorious land  
Will never bow  
To any tyrant's sway.

—Robert Todd.

friendship between these countries. A lesson of peace to all nations."

On July 2 of each year, International Flag Day is observed at the Peace Portal. This affords an opportunity for both Canadians and United States citizens to unite in a common program of interest, usually patriotic in nature. Another annual event is the united Easter service, held each year at the Peace Portal.

"The State of Washington owns and maintains a beautiful park on the United States side of the arch, and the school children of this State helped finance the completion of the park. The park is called the 'Samuel Hill Memorial Park,' in honor of the late Samuel Hill, who was for many years president of the Pacific Highway Association, and through whose efforts the Peace Portal was erected."

This portal is a real beacon of peace at night. "Four hundred seventy electric light bulbs are set

artistically along the interior frieze and up and down the massive pilasters both within and without. This furnishes ample illumination for the gigantic structure and gives it a stately appearance as it stands among the nightly shadows, beckoning all men to pass into this new haven of intelligent understanding and common brotherhood."

Surely if two great nations can dwell together in unity and peace, arbitrating their differences around the conference table of mutual understanding, the logic of human reasoning would assume that other nations could do the same. Is it too much to expect in this world of suspicion and unrest? All honor to the men and women who, under the great God of peace, are striving for a better understanding between the peoples of this world.

Thanks are due Mr. George Janssen, postmaster at Bellingham, Washington, for valuable information and data used in the preparation of this article.

## Purely Commentary

### Once Again: The Problem of Religion in Schools

By PHILIP SLOMOVITZ

IT IS REGRETTABLE that the old struggle of retaining the independence of our schools from sectarian influences must be continued. A basic principle is involved here and it is not pleasant to be compelled, time and again, to disagree with our Catholic neighbors in an issue which we consider basic to our American principles.

In a recent address in New York, as reported in the New York Herald Tribune, the Most Rev. Joseph E. Flannelly, Auxiliary Bishop of New York,

urged action by Catholics to convince Senators and Congressmen that "the very first thing they should do is to put religion back into education." Bishop Flannelly stated: "The men on the Supreme Court are misinterpreting the First Amendment of the Constitution because they have not been educated properly. We have to teach them that the traditional education of America is religious. The first education offered in America in Colonial times was by religious groups. The Founding Fathers unlike some men in govern-

ment today never entertained the idea that God was to be excluded from education."

Is it true, as Bishop Flannelly said, that Thomas Jefferson's views on separation of church and state in the schools are being misinterpreted and that what the third President of the United States meant was that he did not want one particular religion imposed on the people, but that he did not intend for religion to be divorced from education altogether? In that case, what did Jefferson actually mean when he wrote into the **Act for Establishing Religious Freedom** (passed by the Assembly of Virginia in December, 1785, and approved in January, 1786) the following statement:

*"No man shall be compelled to frequent or support any religious worship, ministry, or place whatsoever; or shall be enforced, restrained, molested, or burdened in his body or goods; nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion; and the same shall in no wise diminish, enlarge, or affect their civil capacities."*

Those of us who contend that any attempt to inject religion into the schools will be **diminishing, enlarging and affecting the civil capacities** of all pupils hold the view that Jefferson knew that there are Catholic, Protestant, Jewish and Mohammedan interpretations of the Bible and of religion, and that any effort to inject religion into our schools will cause friction that will undermine the basic principles of our democracy as they were established and interpreted by the Founding Fathers.

President Ulysses S. Grant took a very strong stand against the injection of sectarian teachings in our public schools. In an address in Des Moines, in 1875, President Grant declared:

*"Let us then begin by guarding against every enemy threatening this perpetuity of free republican institutions. . . . The free school is the promoter of that intelligence which is to preserve us. . . . If we are to have another contest in the near future of our national existence I predict that the dividing line will not be Mason and Dixon's but between patriotism and intelligence on the one side and superstition, ambition, and ignorance on the other. The centennial year of our national existence, I believe, is a good time to begin the work of strengthening the foundations of the structure commenced by our patriotic forefathers 100 years ago at Lexington. Let us all labor to add all needful guarantees for the security of free thought, free speech, a free press, pure morals, unfettered religious sentiments, and of equal rights and privileges to all men, irrespective of nationality, color, or religion. Encourage free schools and resolve that not one dollar appropriated for their support shall be appropriated to the support of any sectarian schools. Resolve that either the state or the nation, or both combined, shall support institutions of learning sufficient to afford to every child growing up in the land the opportunity of a good common school education, unmixed with sectarian, pagan, or atheistical dogmas. Leave the matter of religion to the family circle, the church, and the private school supported entirely by private contributions. Keep the church and state forever separate."*

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This statement presents the basic facts in the issue. It does not deny the existence of Higher Powers and it does not approve atheism. But it does not countenance that schools should teach any dogmas. There is ample room and time for the teaching of sectarian beliefs in the home, in the religious schools, in the churches. There ought to be no room for sectarianism in the public schools. This, we believe, was the view of the Founding Fathers of this great republic. This, the records show, have remained the viewpoints of our lawmakers from Washington and Jefferson and Madison down to our own time. These, we insist, should remain the cornerstone of our liberties. It does not matter whether requests for governmental support of their schools come from Jewish or Protestant or Catholic groups. They should be denied because they would interfere with our religious freedoms and because they would serve as means of destroying the wall that has been erected in our democracy between church and state. For the same reasons, sectarian religious teachings should be barred in our schools—because they would serve as a wedge to force sectarian teachings into our public school systems. The basic rights inherent in our traditional freedoms are worth fighting for.—*Jewish News* (Detroit, Michigan), Feb. 3, 1950.

## The Much-discussed Barden Bill

81ST CONGRESS

2D SESSION

H. R. 7160

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1950

Mr. BARDEN introduced the following bill; which was referred to the Committee on Education and Labor

### A BILL

To provide for Federal financial assistance to the States and Territories in helping to establish and maintain an adequate minimum program of education and in attempting to more nearly equalize educational opportunities in public elementary and secondary schools.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public School Assistance Act of 1950."



#### APPROPRIATIONS AUTHORIZED

SEC. 2. For payments to the States and to Alaska, Hawaii, Puerto Rico, and the Virgin Islands to assist them in making current expenditures for public elementary and secondary schools, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1951, and for each fiscal year thereafter—

- (1) \$300,000,000 for the States; and
- (2) \$50,000 for Alaska, \$250,000 for Hawaii, \$14,000,000 for Puerto Rico, and \$200,000 for the Virgin Islands.

#### AMOUNTS PAYABLE

SEC. 3. (a) To ascertain the amount payable to any State from any appropriation made pursuant to the authorization contained in section 2 (1) of this Act—

- (1) multiply the number of children of school age in such State by \$50;
- (2) divide the average of the total annual income payments to individuals in such State by one hundred;
- (3) ascertain the amount, if any, by which the amount ascertained under paragraph (1) exceeds the amount ascertained under paragraph (2);
- (4) multiply the number of children of school age in such State by \$5.

The preliminary allotment for such State shall be the amount arrived at under paragraph (3), or the amount arrived at under paragraph (4), whichever is larger. The amount payable to such State shall be the amount which bears the same ratio to the amount of such appropriation as the preliminary allotment for such State bears to the sum of the preliminary allotments for all the States: *Provided, however*, That for any fiscal year beginning after June 30, 1952, in the event that (A) current expenditures for public elementary and secondary schools in such State derived from State and local revenues for the third fiscal year next preceding the fiscal year for which the computation is made, are less than (B) such expenditures in such State for the fiscal year ending June 30, 1949, the amount payable to such State shall be reduced by twice the percentage by which the expenditure in (A) is less than the expenditure in (B).

(b) The amount payable to Alaska, Hawaii, Puerto Rico, or the Virgin Islands from any appropriation made pursuant to the authorization contained in section 2 (2) of this Act shall be the amount specified therefore in the statute making the appropriation.

#### PAYMENTS TO STATES

SEC. 4. As soon as practicable after the enactment of any statute appropriating money for the purposes of this Act, the Commissioner of Education shall, in the manner provided in section 3, ascertain the

amount payable to each State from such appropriation and shall certify such amounts to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon, through the Fiscal Service of the Treasury Department, pay to each State the amount so certified. Amounts so paid shall, upon payment, become funds of the State to which paid. Except for the express conditions imposed by section 5, the expenditure of such funds thereafter shall be subject to the laws of such State rather than to the laws of the United States.

#### EXPENDITURE OF FUNDS AND JUDICIAL REVIEW

SEC. 5. Amounts paid to any State under this Act shall be expended only for current expenditures for public elementary and secondary schools within such State. Amounts paid to any State under this Act for the fiscal years ending June 30, 1951, and June 30, 1952, shall be distributed among the public elementary and secondary schools of such State in such equitable proportions as the State may, in its discretion, determine will best effectuate the purpose of the next sentence of this section. Amounts paid to any State under this Act for any fiscal year beginning after June 30, 1952, shall be distributed among the public elementary and secondary schools in the State in such proportions as will most nearly raise the average of current expenditures from all sources, for each such school in the State—

- (1) to \$100 or more for each pupil in average daily attendance, in the case of a State with respect to which the preliminary allotment under section 3 (a) for such year was an amount equal to \$5 times the number of children of school age in such State; or
- (2) to \$60 or more for each pupil in average daily attendance, in the case of any other State.

Amounts so paid for any fiscal year beginning after June 30, 1952, which are not needed to raise the average of current expenditures in each such school to the minimum level provided for such State by the preceding sentence, shall be distributed among the public elementary and secondary schools in such State in such equitable proportions as the State may, in its discretion determine will most nearly equalize public educational opportunities among all children of the State. Whenever in the judgment of any member of the board or commission of education or equivalent agency of such State, or of any member of any local school board or equivalent agency in such State, any person has engaged, or is about to engage, in any acts or practices which constitute or will constitute a violation of any provision of the first four sentences of this section, such member may make application to the appropriate United States district court, to the District Court for the Territory of Alaska, or to the District Court of the Virgin Islands, as the case may be, for an order enjoining such acts or practices, or for an order enforcing compliance



with the provisions of the first four sentences of this section. Upon a showing that such person has engaged, or is about to engage, in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.

#### ANNUAL REPORTS

SEC. 6. Each State shall submit to the Commissioner of Education, on or before the 1st day of November of each year, for transmission to the Congress, (1) a statement of the funds paid to such State under this Act during the preceding fiscal year, and the funds paid to such State under this Act in previous fiscal years and remaining unexpended at the beginning of such preceding fiscal year; (2) a detailed statement of all expenditures from such funds during such preceding fiscal year, and (3) certification that during the preceding fiscal year the State complied with the applicable provisions of the first four sentences of section 5. On the first day of each regular session of the Congress the Commissioner shall transmit such reports to the Congress, together with such recommendations and comments as in his judgment the Congress should consider.

#### DEFINITIONS

SEC. 7. For the purposes of this Act—

(1) The term "State", except as used in sections 2 and 3, includes Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(2) The term "current expenditures" includes only expenditures for salaries of teachers and of school supervisory, administrative, and maintenance personnel, expenditures for school supplies, and expenditures for the maintenance of school buildings.

(3) The term "public elementary and secondary schools" means tax-supported grade schools and high schools which are under public supervision and control.

(4) The term "number of children of school age in such State" means the number of children from five to seventeen years of age, inclusive, in such State, as determined by the Department of Commerce, for the third calendar year next preceding the year in which ends the fiscal year for which the computation is being made.

(5) The term "average of the total annual income payments to individuals in such State" means the average of the total income payments to individuals in such State, as determined by the Department of Commerce, for the third, fourth, fifth, sixth, and seventh calendar years next preceding the year in which ends the fiscal year for which the computation is made.

It is clear from Mr. Barden's bill that opposition to it can come only from those who are seeking to secure government funds for private and parochial schools. This bill offers aid to schools which are "tax supported" and "under public supervision and control." We think tax funds should go to no other schools.—EDITOR.

## EDITORIALS

### **The Federal School-Aid Question**

WHAT ONE CORRESPONDENT called "the hottest potato at this session of Congress" was the aid-to-education bill. Another one headed his column "School Bill Had a Violent Death." The bill actually never reached the House floor; it was killed in the Committee on Education and Labor.

Catholics had sought Government aid for their parochial schools. When they could not secure all they wanted they tried to obtain at least "auxiliary services," such as free bus transportation.

Some members of the committee were convinced that without Federal aid the poorer States could not give equal educational opportunity to all. Members who opposed aid to religious institutions were charged with bigotry. Some who opposed the measure feared that Federal aid would mean Federal control. The issue did not follow party lines. Democrats and Republicans were found on both sides of the issue.

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The bill has been called dead, but Congress has not yet adjourned.

Congressman Barden, of North Carolina, introduced a bill to take the place of the one under discussion, but it was straightforward in refusing any Government aid to church-supported schools, and was given little, if any, consideration by the Committee.

H. H. V.

### **Amendment of New York Sunday-closing Law Asked**

NEW YORK.—A proposal that Jews and Seventh-day Adventists be exempted from the state Sunday closing law was made by 17 national and local Jewish organizations here at a hearing held by the Democratic State Committee.

"A spokesman for the Joint Committee for a Fair Sabbath Law, representing the Jewish groups, said it was 'unfair and discriminatory' not to grant such an exemption to persons 'who observe Saturday as their day of rest.'"

"The Joint Committee, in asking that the Sunday law be amended, said the exemption should be granted to those who would engage in Sunday activities 'which do not interfere with the rest and repose of their neighbors.'

"Failure of the present Sunday law to exempt Jews and Seventh-day Adventists 'represents an unjust and discriminatory interference with the religious liberties of the citizens of this state,' the committee spokesman charged.

"He said that no action was taken on a bill to permit such exemptions introduced in the legislature last year, but the legislature passed a law permitting professional football, basketball and hockey on Sunday.

"The law thus permits such noisy occupations as professional sports which interfere with the rest and repose of those desiring to observe Sunday in this way,' he said, 'while it prohibits Jews and Seventh-day Adventists from maintaining small retail shops which do not disturb anybody but would enable the owners to retain their religious convictions and at the same time earn a livelihood.'"—*Religious News Service*.

An exemption clause does not constitute liberty; it simply means toleration. The power that can grant it may rescind it. The trouble with the whole business is that a Sunday law is a religious law, pure and simple.

A law providing a day of rest for all who labor may be justified, many think, as a health measure. But a law which picks out a particular day and gives it the sanction of the state simply because it happens to be the day of rest observed by many religionists, is a religious law and has no real right on the statute books of our country.

H. H. V.

### **Catholic Comment on the Castel Gandolfo Affair**

ABOUT THE BEGINNING of this year some Americans, members of the Churches of Christ, described by *Time* as having "an estimated U.S. membership of 700,000," attempting to carry on work in Italy, were attacked at Castel Gandolfo. It is reported that a crowd of Italians advanced upon them, shouting, "We want the Protestants' bones!"

We have seen a number of comments on this whole incident, and some bitter words have been spoken. If certain newspaper dispatches are correct, the whole affair was a disgraceful exhibition of religious bigotry and hatred.

In some quarters there has apparently been a disposition to dismiss the whole affair as of little or no consequence. In others a justification is sought in the fact that the ones attacked were foreigners, guilty of gross abuse of the prevailing religion of Italy and forgetful of the courtesy they should show to the

country granting them visas. Another group has seized upon the occasion to lay serious blame upon the Roman Catholic Church. We like the comments of *The Commonweal*, a Catholic weekly:

"Wherever there are men who have a history and a belief and a way of life, there is resistance to those who come from beyond the borders with another history, another belief and another way of life. In the past that resistance has often broken out into senseless violence, especially when the outsiders came as missionaries and apostles. It happens so often in pagan lands that the missionary-in-the-soup-pot is a standard cartoon character. It happens also among civilized people. It happened at Peekskill last year when normally peaceful citizens turned on those they considered 'un-American,' strangers, aliens, enemies of the U.S. way of life. It happened in Charlestown, Massachusetts, in 1834 when an Ursuline convent was soaked and burned by an angry mob. It happened at Ellsworth, Maine, in 1854 when Father John Bapst, S.J. was dragged from his church, tarred and feathered and paraded around the village for all to see. It happened at Saugerties, New York, in 1866 when St. Mary's church was set on fire, and, later in the same year, when Sts. Peter and Paul's church in Brooklyn was attacked. These are only a few random examples. History, American as well as any other, offers hundreds more.

"These things have happened everywhere. If there were violent outbursts at Castel Gandolfo, especially violence on the black-and-white terms the Associated Press reported, it was still another shameful chapter in the history of human ignorance, human bigotry and human passion. As such it is something to be condemned. It is something for the Catholics of Italy, of America and throughout the world to be ashamed of.

"The important thing is that it can and should be condemned not only in the name of liberal thought, of democratic tradition and of modern enlightenment, but in the name of Catholicism itself." H. H. V.

### **Jehovah's Witnesses Branded as "Invaders" by Ohio Prosecutor**

THE RELIGIOUS NEWS SERVICE of December 6, 1949, carried this dispatch:

"TOLEDO, O.—The Sixth District Court of Appeals has upheld the Wood County Common Pleas Court in refusing use of the Grand Rapids, O., school auditorium to the East Toledo unit of Jehovah's Witnesses.

"The decision affirmed the opinion of Judge Earl K. Solether of Wood County who held that the Witnesses are 'not a responsible organization, and responsibility means more than mere financial responsibility.'

LIBERTY, 1950

"Judge Solether also had declared that Witnesses refuse to do military service; they do not vote, and they do not serve on juries. In addition, he held their 'teachings are against the principles and teaching taught and practiced in the schools of Grand Rapids.'

"The trial court also found that the Witnesses 'are opposed to other religions, calling them rackets and the ministers, racketeers.' Judge Solether had stated that the East Toledo unit was seeking to inject itself into a community where 99 per cent of the people are opposed to them.

"The appeals court noted that the Witnesses were not citizens, residents or taxpayers of the Grand Rapids School District. It concluded that the school board, in refusing use of the auditorium, had discretionary power under Ohio law to do so.

"Floyd Collier, Wood County prosecutor, had termed the Witnesses 'invaders' of Grand Rapids and asked the court to deny their appeal."

The decision, in our opinion, rests on the wrong basis. If the Jehovah's Witnesses had been denied the use of the school auditorium on the ground that it is government property and should not be used for religious purposes, there might have been some justification for the opinion. But to declare that the Witnesses "are opposed to other religions," and therefore cannot have the use of any building that could be properly rented to them, is poor argument indeed. To our way of thinking, it shows a good deal more of prejudice than of judicial interpretation.

The heat that was generated up in northwest Ohio seems to be further emphasized by the words that are credited to the Wood County prosecutor, who is reported to have called the Witnesses "invaders" of Grand Rapids. We recall that in the early days of the gospel certain Christians were taken before the rulers of the city, and their accusers cried, "These that have turned the world upside down are come hither also."

There are civil laws to protect all classes, and if any group can be shown to be guilty of depriving others of equal rights, there is a way to deal with them. But for a court or a prosecutor to resort to name calling seems beneath the dignity of both.

An editorial in the *Commonweal*, under the heading of "Censorship," January 27, 1950, speaks truly when it says:

"Protecting people from themselves is a dangerous business. At one level, that of protecting a society's common morality, distinctions are more easily drawn: pornography is not hard to recognize. On a political level, the one who undertakes to make the decisions . . . undertakes a terrible responsibility.

"The alternative to banning ideas, opinions and falsehood is what Robert Hutchins says is a 'long difficult road of education. . . . It requires patience and tolerance even in the face of intense provocation.' It

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is a question of freedom, for if people are to make mature decisions, they must have the freedom to be fools."

When it comes to decisions on the religious level, it is amazing how many people are willing to make them for their fellows. We certainly hold no brief for the Jehovah's Witnesses. To our way of thinking they are often discourteous, impolite, and utterly unmindful of the feelings of others. But to try to smother them by force is likely only to increase their growth. To make people appear as martyrs often helps their cause.

H. H. V.

## Neither Atheism nor Religion

NEITHER ATHEISM nor religion should be taught in tax-supported schools. Dr. Carlton J. H. Hayes, professor of history in Columbia University, in speaking to the Catholic University of America Alumni Association's home-coming reunion, stated that in "state-supported schools atheists appear to have more rights than believers in God."

If Dr. Hayes is correct, then it is high time that the taxpayers rise up and demand court action. The taxpayer has a right to be protected from being compelled to support the teaching of atheism to his sons and daughters, and also from having to support the teaching of a religion in which he has no faith. No greater injustice can be done to a taxpayer than to compel him to support a religious institution which teaches religious tenets contrary to his convictions; and to be compelled to support a state institution that teaches either atheism or religion is grossly unfair.

Instead of arguing that because atheism is being taught in "state-supported schools" therefore the state-supported schools should also teach and support religion, so atheism and religion might enjoy equal privileges, we should endeavor to bar the teaching of both atheism and religion from state-supported schools, so the taxpayers of every religious persuasion, and non-religious taxpayers as well, may stand on the same equality before the law and not be compelled to support either. The only basis for equal justice and peace among the citizens of a government is for the state not to play favorites among taxpayers. The government should be neutral on all subjects in the field of religion. The church should educate its own children in religion at the expense of its own adherents.

C. S. L.

## The Navy and Religious Celebrations

IT WAS REPORTED last year that at the direction of the Honorable Francis Patrick Matthews, Secretary of the Navy, a squadron of destroyers was sent to Portland, Oregon, at the time of a convention of the Knights of Columbus. Later a



squadron of Naval Air Reserve planes was dispatched to scatter roses over a Roman Catholic religious procession in honor of St. Theresa at New Columbus, Pennsylvania. We understand that these planes made a flight of more than one hundred miles from the naval air station at Willow Grove, near Philadelphia.

The *Catholic Universe Bulletin* of December 30, 1949, has the following:

"Secretary of the Navy Francis Matthews said here [Omaha] it was 'long-established naval policy' to send naval units to take part in religious observances.

"His announcement was made in reply to protesting letters based on a recent editorial in the *Christian Century*, undenominational weekly, entitled 'Has the Navy Joined the Catholic Church?'

"The editorial said a naval squadron was sent to the convention of the Knights of Columbus in Portland, Ore., last August, and that airplanes were dispatched in October to scatter roses over a procession honoring St. Theresa in New Columbus, Pa.

"Matthews said it was standard Navy procedure to co-operate, where feasible, with fraternal and other organizations, without regard to denomination.

"He said it was considered good public relations, and good for the morale of both the men of the service and the community."

We would just like to ask who says it is good public relations to spend the taxes of people of all religious persuasions to send ships, or planes to Catholic gatherings? Who says it is good for the morale of the men of the service and the community? We are told also that it is "standard Navy procedure to co-operate, where feasible, with fraternal and other organizations, without regard to denomination." If it is "standard Navy procedure" to send our ships and our planes to religious gatherings, it is wrong. We do not think such procedure helps to bring about good feeling between churches. We don't like our tax money spent that way. We think we have a lot of company.

H. H. V.

## **"Imposition of Double Taxation"**

THOSE WHO FAVOR giving Federal aid for the support of parochial schools claim that a denial of tax funds for the support of parochial schools is "a discrimination against religious schools" and "amounts to the imposition of double taxation" upon those who support the parochial schools.

This argument is fallacious. When taxes were levied upon all citizens of every religious and non-religious persuasion, upon every believer and non-believer, a definite understanding was reached that the public schools supported by taxes collected from

all classes of citizens should provide a system of education for all children of school age, and that the curriculum taught should be neutral on the subject of religion, so that all sects and all citizens might stand on the same equality before the law, and that no citizen compelled to pay his taxes for the support of the public schools should be forced to support the teaching of religious tenets in which he had no faith. It has been generally held that to compel a citizen to support the teaching of religious opinions contrary to his faith was both "sinful and tyrannical."

The Government has not discriminated against any religious sect by maintaining the principle of a complete separation of church and state and by providing a system of state education for all the children of the state, supported by a tax fund paid by all the people, whether they had or did not have children to educate. Citizens are compelled to pay only one tax for the state education provided for all the children of the state. If any citizen or group of citizens are dissatisfied with the system of education provided by the state for all the children, and decide to educate their children in their own private schools where they can be indoctrinated in the tenets and beliefs of their own peculiar religion and perform the religious functions and customs peculiar to their religion, the Government grants that privilege, so long as their secular studies measure up to the standards set by the state for the development of good citizenship. But the State constitutions in practically every State in the Union deny the right of the State to appropriate any of its general tax funds for the support of any educational institutions owned and operated by religious organizations, in order to prevent a taxpayer's being compelled to support a religion contrary to his religious convictions. The payment a parent makes for the support of his own private school is voluntary and could be avoided if he decided to avail himself of the provisions the state has made to educate his children.

How can one consistently argue that the state has discriminated against the education of his children and has "imposed a double taxation" upon him, when he voluntarily and deliberately chooses to operate a different system of schools for his own personal benefit? As well might he argue that the state ought to pay for a separate Catholic police force and a separate Catholic fire department to protect Catholic interests because he is dissatisfied with the public police and fire departments.

As well might the bachelors and the spinsters and the childless married people plead that they are unjustly taxed when they have to pay for the education of children they did not bring into the world, and urge that their taxes ought to be refunded to them. Since the state makes provision for the education of all its children by taxing all for the support of all, the Government should not be required to meet the extra



expense of extra schools not authorized by the Government.

• The state that provides a system of socialized medical care for its citizens, so all citizens who are in need of medical care may have it, requires those citizens who are dissatisfied with the state's system and who want their own private physicians to attend them, to pay for such separate and private medical care. In those States where free lunches are served to the public school children out of the general tax funds, if some of the children are not satisfied with the lunches served by the State, and decide to get better lunches served at restaurants, they must pay for them and not expect the State to meet this extra expense.

There is nothing sound or logical in the argument about the "imposition of double taxation" on the part of the state when the person imposes this extra expenditure upon himself by his own choice and voluntary act. If the state can logically support the teach-

ing of religion in private schools as a public benefit, it can logically support the teaching of religion in its own public schools. More than that, it could logically support the teaching of religion to adults in the churches as a public benefit, and it could logically compel all people to go to church and be indoctrinated in the tenets and creed of the state religion.

That is exactly what has sometimes taken place in countries that are under the control of, and dominated by, a state religion. That means religious persecution for all dissenters and nonconformists. The world has seen and witnessed enough of that demoralizing and degrading kind of legalism in religion. It is high time to steer as far away as possible from statism in religion in order to avoid the spiritual catastrophes of the past. We should take alarm at the first step in the direction of a union of church and state, because such a precedent will be followed up with more precedents, and the final step will be the inquisition.

C. S. L.

## NEWS and COMMENT

### An Increasingly Powerful State

**P**ROTESTANTISM IS FACED with judging the efforts and purpose of an increasingly powerful state and the effect that these have upon men.

It must be prepared even at the cost of hostility and opposition to refuse acceptance of favors from the State. It must set definite limits, through its influence, upon the State's power. The watchfulness which the free Protestant Church must show here is one of democracy's most valuable safeguards.—DR. FREDERICK M. MEEK, minister of Old South Church, Boston, from Religious News Service, Feb. 10, 1950.

### The Constitution of India

#### Right to Freedom of Religion

25. (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion. . . .

Part III.—Fundamental Rights.—Arts. 26-29.

26. Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law.

27. No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

28. (1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

(2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

(3) No person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person, or if such person is a minor, his guardian has given his consent thereto.

## **Food Sellers Lose Fight on Sunday Law**

**By Richard Mason**

SOMETHING NEW in marches on Albany—a delicatessen invasion—became a possibility yesterday after a clear hint in that direction was tossed by Supreme Court Justice Francis G. Hooley into the angry ranks of Nassau delicatessen owners.

At least 73 delicatessen owners have been seething recently over a snowstorm of Sunday closing summonses by Nassau cops. They enthusiastically backed an application before Hooley for an injunction to restrain the gendarmes from tagging delicatessens in two legal Sunday closing periods—between 10 A.M. and 4 P.M. and after 7:30 P.M.

### **Unpopularity No Excuse**

Just because the law is unpopular with the owners and plenty of customers is no legal excuse for ignoring it, Justice Hooley ruled. If the people do not like the law, he suggested, "their remedy is to appeal to the Legislature for modification of the law."

The justice, in Mineola, denied an injunction application brought by Julius Weiss and Joseph Scheinbaum, partners operating the Levittown Food Shop in Levittown. Their lawyer, James F. McManus, contended the law unconstitutional. Seventy-three South Shore delicatessen operators and merchants endorsed the suit. There is also a clear legal right to relief is established. That clear legal right is not present here.

### **Sees No Clear Right**

"A court of equity," Hooley wrote, "may exercise its jurisdiction to restrain the police from enforcing a criminal statute, the enforcement of which threatens property damage, only in a case where a clear legal right is established. That clear legal right is not present here."

"The enforcement of the criminal law by the police is not dependent upon the approval of the people of the community. If the people are dissatisfied with the operation of a statute, their remedy is to appeal to the Legislature for a modification of the law."

No word was immediately available on whether the delicatessen forces will write, or call in person on their legislators, but conferences were under way. —*Daily News* (N.Y.), Feb. 8, 1950.

## **Court of Appeals Upholds Conviction of Professed Protestant Clergyman**

IN ANOTHER PLACE we have referred to the Castel Gandolfo affair. Here is a little note from the Empire State:

"Albany, N.Y.—(Special)—The conviction of a professed Protestant clergyman accused of publicly denouncing the Roman Catholic and Jewish faiths was upheld by the court of appeals here in a 4-3 decision.

"In its majority opinion, the state's highest court held that New York City has as much right to stop Carl Jacob Kunz, who claimed to be a Baptist minister, 'from starting religious wars' on its streets as it had to prevent 'all raucously noisy advertising devices.'" —*Minneapolis Star*, Jan. 12, 1950.

## **San Francisco Moves to Bar Nun Proselyting in Schools**

**By a Staff Correspondent of *The Christian Science Monitor*, San Francisco**

AT A TIME WHEN a national discussion of church-state separation is revolving about the public schools, the Northern California Civil Liberties Union reports what it terms proselyting activities of Roman Catholic nuns in a San Francisco school.

The union says that Dr. Herbert Clish, San Francisco Superintendent of Schools, has promised swift action to end these activities.

This official action was promised to the union after it had received a complaint from Mrs. Byron Randall on Jan. 25 that two nuns had visited the fourth-grade class of the John Hancock School. It is in the city's "heavily Roman Catholic populated" North Beach section.

### **Warning to Children**

The union states that the nuns reportedly asked which children were Roman Catholic, and those who raised their hands were admonished to attend catechism or not be promoted.

"Nine-year-old Gale Randall was asked whether she was a Catholic, and, somewhat awed and frightened, answered, defensively, 'sort of.' Then the nuns told her to come to church. When the child came home she was very upset and told her mother what had happened at school," writes the union.

Mrs. Randall, according to the union, telephoned to another parent and verified her child's story. She also telephoned to the principal of the school who said she was unaware of the affair and expressed incredulity. It was then that the mother telephoned the union office in San Francisco.

"The union at once requested an investigation by the superintendent's office and a prompt check was made. It confirmed Mrs. Randall's complaint. In fact, it was learned that the nuns had visited two classes."

At the time, Dr. Clish expressed himself as being unalterably opposed to the activities complained about and promised to take prompt remedial action.—*Christian Science Monitor*, Feb. 9, 1950.

LIBERTY, 1950

## Sunday Sale of Cars Banned in the State

ALBANY, JAN. 10. (AP).—The sale of automobiles on Sunday is banned by a new regulation announced today by the State Motor Vehicle Bureau.

Commissioner Clifford J. Fletcher said the ban applied to sale of all motor vehicles, motorcycles and trailers.—Batavia (N.Y.) *Daily News*, Jan. 11, 1950.

## Sunday Movies in Cleveland, Tennessee

CLEVELAND, TENNESSEE, is stirred over the question of Sunday movies. In the issue of the *Cleveland Daily Banner* of January 12, it was reported that "the Sunday movie issue was tossed into the forefront of city interest Monday when the commission, receiving reports from Police Chief Luther Goodwin of demands that police act against Sunday operators, found no ordinance forbidding movies was included in the city code. Further investigation disclosed the only one affecting Sunday movies was the state law, adopted in 1923, which barred them all over the state."

An assistant attorney general of the State of Tennessee has held that "the legislative council or governing body of the City of Cleveland has the authority to authorize the exhibition of moving pictures for a charge on Sundays by a majority vote of such council."

On the seventh of February the Cleveland Ministerial Association voted:

"We, The Ministerial Association of Cleveland and Bradley County, resolve that said Ministerial Association request the City Commissioners to act according to their powers, by the establishing of an ordinance prohibiting the operation of commercial Sunday movie pictures in the City of Cleveland."

The *Daily Banner* of February 9, opposing any attempt to force the Ministerial Association's opinion upon the community says:

"The *Daily Banner* hopes and believes that the commission will not accept as valid ground for such action, if it were practical, of which there is question, the opinion of so small a segment of the city's population.

"This move, no matter how well intended, or by how well meaning a group presented, is an example of an effort on the part of an organized minority to enforce its views. We hold that to have no rightful place in democracy.

"The people of Cleveland, we contend, properly have right to decide whether they wish, or do not, to have opportunity to attend Sunday movies—in Cleveland. Our views on the subject already are, we are sure, adequately known.

SECOND QUARTER

"We are in support of every project at all times which we see as helpful to this community. We cannot go along on any project which is proffered as necessary to the community welfare by so few individuals, acting in private meeting. . . .

"If the people of Bradley County and Cleveland desire Sunday movies, we contend, it is their right to have them. Neither The *Daily Banner* nor any other agency minority group has right by arbitrary action to attempt to deprive them of that right.

"We hold that to be fundamental."

In an earlier statement the editor of the *Daily Banner* had said:

"Any effort to arbitrarily force closing Sunday movies is merely another effort to employ that repeatedly proven futile device of trying to force others to do as we choose and prefer to do. It, we hold, is an infinitely greater influence of evil, no matter how well intended, than any Sunday movie ever could be."

## Windsor Voters Throw Out Sunday Blue Law Bans

WINDSOR, ONT., DEC. 8 (AP)—A proposal opening the way for legal Sunday sport and entertainment was approved in a plebiscite in Windsor's municipal elections yesterday.

Late results today showed a majority in favor of the question of seeking from the Ontario government the privilege of local option on enforcement of the Lord's Day Act—which now bars sports and other entertainment on Sunday. The proposal won a majority of about 25 per cent in a light vote.—*New York Post*, Dec. 8, 1949.

## Village Juliet

WHEN JACOB NICOL left his house one brisk September morning in 1946, the world looked bright. He was living comfortably in Roxton Pond, Que., had a profitable trucking business and a pretty dark-haired bride of two days. When he returned that night, his world had suddenly collapsed. His wife, Lucile, had left him to go back to her mother. Nicol knew what that meant. A Baptist, he had courted Lucile, a Roman Catholic, for seven years before eloping with her to Vermont. His widowed mother-in-law, Mme. Oviline Charrois Labrecque, made it clear that she was determined to break up the marriage.

*Change of Mind.* Nervously Nicol hastened over to the College St. Eugene at Granby, where Mme. Labrecque worked as a cook. He asked to see Lucile, but the Abbé Lambert Collette turned him away, informing him that his marriage (by a Justice of the Peace) was not recognized by the Catholic Church. Later he was told that Lucile would ask for an an-



nulment. But when Nicol saw her a week or so later in the Convent of the Grey Nuns at Chambly, she seemed to have changed her mind, asked him to arrange a reconciliation with her mother and the priest. When Mme. Labrecque still refused to recognize the marriage, Nicol sued her and Abbé Collette for \$2,000. A few days later Lucile hanged herself from a pipe in the College St. Eugene.

When Nicol asked to bury his wife he was flatly refused; he learned from strangers when the funeral service was to be held, and went to it unasked. After that he pushed his trucking business to the side and amended his damage suit, asking an additional \$11,000 damages. His case was tried early last year.

Last week, Justice Francois Caron, a Catholic, handed down his decision: \$400 damages and the costs of litigation for Jacob Nicol. The court held that the marriage was legal beyond doubt, that the girl, being 23 years old, had every right to enter into a marriage contract. A letter from the Abbé to Lucile was introduced in evidence. It said, in part, "*You must remain free . . . the marriage at Newport means nothing . . . Nothing obliges you to marry him . . . May le bon Dieu help you in your decision.*" In the court's opinion, this "constituted not advice, but an order." The facts, Judge Caron found, clearly established that both mother and priest had refused to let Jacob Nicol see his wife, and "on these grounds alone" he was entitled to damages.

Of the Abbé Collette's part in the tragedy, the court commented: "The right of a minister . . . is not absolute . . . liberty of conscience, as all liberties, finds limits in the rights of one where the rights of the others begin."—*Time*, Jan. 9, 1950. Courtesy of *Time*, copyright Time Inc., 1950.

### **Catholic High School to Become Public School**

**DYERSVILLE, IOWA**—Xavier Roman Catholic high school here will cease being a Catholic institution at the end of the present term and will reopen next September as a public high school. The change-over will be made to qualify the school for Federal and state aid.

Regular high school teachers will replace the nuns who now make up the Xavier faculty. Courses in vocational agriculture and home-making, which officials said could not be given under the parochial set-up, will be offered for the first time in the fall.

All evidences of Catholicism will be removed from the building and no religious instruction will be given there. Such instruction will be offered after school hours two or three times weekly in another building.

The Rt. Rev. Msgr. Mathias M. Hoffman of St. Francis Xavier church, pointed out that use of a public school for religious purposes was illegal in

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### **ALL MAY HELP THROUGH THE RED CROSS**

Each year the millions who need help and the millions who want to help are brought together through the Red Cross. The trained first-aiders step from the crowd to stanch the flow of blood. . . . The Gray Lady makes the clock tick faster for the paralyzed veteran. . . . The flood victim's cry for help is answered immediately with shelter and efficiently organized distribution of food and medical care. This impulse to help is as old as the human heart, and out of their hearts Americans annually pour millions of dollars in cash into the coffers of the American Red Cross and hundreds of thousands of pints of blood into regional blood centers. *Liberty* heartily endorses the work and its support.

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Iowa. "We are going to live up to the law," he said. "We will have a lay faculty."

The church will rent the school building to the Dyersville Independent School District Board. It is expected that the rental will be about \$400 a month, including maintenance and equipment.—*Religious News Service*, Feb. 7, 1950.

### **Tax Support of Parochial Schools Opposed**

**HARRISBURG, PENNA.**—Use of public tax money for "direct or indirect support of private or parochial schools" was opposed by the Pennsylvania Council of Churches at its annual convention here.—*Religious News Service*, Feb. 3, 1950.

### **Indiana Chamber of Commerce Opposed to Federal Aid for Schools**

**FEDERAL** SUBSIDIES to local schools as proposed by legislation in Congress were described today by the Indiana State Chamber of Commerce at Indianapolis as a step toward "centralized thought control of the youth of the nation."

With the subsidy legislation again an active issue in the national Congress, the Indiana Chamber had prepared and was distributing to study and discussion groups a pamphlet analyzing the pending legislation in detail and summarizing reasons why it should be defeated.

A Federal school subsidy bill (Senate Bill 246), with an initial annual appropriation of \$300,000,000, was adopted by the U.S. Senate last year but was halted in the House committee on education and labor when argument arose as to whether Federal "aid" should be given to local church-supported and private schools as well as public schools.

The Chamber expressed fear that "too many people" would get the impression that if the religious issue could be compromised at this session of Congress, Federal educational subsidies would be good for the country.

"Federal school subsidies are simply basically bad," the Chamber contended. "The religious issue



## SERVICES OF THE RED CROSS

To carry out the many vital services performed by them, the American Red Cross has set the national goal for 1950 at \$67,000,000. In 1949, 228,515 persons were assisted in 330 domestic disaster-relief operations. More than a million persons were trained in first aid, and more than 125,000 received instruction in home nursing. One of the activities of growing importance is the national blood program, because of its supplying of various blood serums for immunization during epidemics. Nearly 240,000 pints of blood were collected for this purpose last year. Although the annual campaign will be largely over when this issue reaches its readers, *Liberty* heartily urges everyone to have a part in the work of this great humanitarian program.

over which Congress now is fighting is merely a first example of the fact that local school problems are better off in the hands of local people who know the needs of their own communities. Up to now these home town folks have succeeded in giving American children—not a perfect school system—but the best and freest in the world.”

Describing as futile “the hope of many well-meaning people that huge amounts of Federal funds could be handed out to local schools without Federal control entering the schools,” the Chamber charged that “there is control over the schools of the state even in the Senate-approved bill which by its own terms denies intention to control.”

To substantiate this charge, the Chamber cited a provision in the Senate-approved bill prohibiting any state receiving Federal grants from ever spending any less money on schools than it did in 1949—regardless of whether the 1949 expenditures may have been unduly high because of inflation, a heavy building program or possible extravagances.

“If Federal control of education on a nationwide basis is not an objective of original instigators of Federal school aid, then why is it not proposed that Federal funds for school purposes be extended only to those states that can show a need for it—rather than to all 48 states?” the Chamber continued.

“It accomplishes nothing for taxpayers of Indiana to pay in \$7,980,000 in order to receive back from Washington \$3,825,000 of Federal aid. Certainly Indiana and most other states, and their communities are far better able to finance and manage their schools than an already debt-ridden Federal bureaucracy.”—*New Harmony Times* (Ind.), Feb. 3, 1950.

## Amish Farmers and the School Law

ABOUT A YEAR AGO four Pennsylvania Amish farmers withdrew their children, all over fourteen years of age, from the public schools, because they felt they needed them to work on the farm. They were arrested, and each was fined five dollars and costs. An appeal to the Court of Quarter Sessions of Somerset County led to a reversal of the

SECOND QUARTER

judgment of the lower court. The state took appeals to the Superior Court of Pennsylvania, which on January 12, 1950, gave the following decision:

“The appeals must be quashed. ‘After a hearing de novo by the Court of Quarter Sessions (from a proceeding summary in character), there was a judgment by that court (which heard the case de novo) in language that cannot be misunderstood that the defendant was not guilty—a distinct and unequivocal judgment of acquittal.’: *City of Scranton v. Knoll*, 108 Pa. Superior Ct. 94, 164 A. 850. See *Commonwealth v. Kerr*, 150 Pa. Superior Ct. 598, 29 A. 2d 340. The Court below pronounced a distinct and unequivocal judgment of acquittal. From this the Commonwealth cannot appeal.

“The several appeals are quashed.”

## No Government Aid for Schools of British Columbia Catholics

By Sun Staff Reporter

VICTORIA, FEB. 8.—A request from Roman Catholic groups for public funds to aid Catholic schools in British Columbia has been rejected outright by the provincial government, it was learned here Wednesday.

A delegation representing the Catholics met the government some time ago, an official source here said, and proposed that a vote of education monies be allocated toward the support of schools operated by those of the Catholic faith.

The official view taken by the government is that the B.C. education system and its schools are open to all people regardless of their religious faith.

People who wish to send their children to Catholic private schools must do so on the same basis as any family which sends children to non-sectarian private schools and pay the necessary fees.—*Vancouver Sun*, Feb. 9, 1950.

## “Blue Sunday” Rejected by Alabama Priests

BIRMINGHAM, ALA.—Approval of “wholesome recreation” on Sundays after persons have performed their spiritual duties was voiced here by the Catholic Priests’ Association of Jefferson County.

The priests’ action followed a resolution adopted recently by the Protestant Ministers’ Association condemning the use of a football stadium here for Sunday sports events. The ministers contended that Sunday games in the stadium encouraged improper use of the Sabbath and also prevented some individuals from attending church services.

In their statement, the priests declared:

“The Catholic Church demands in fulfillment of the commandment of God, ‘Remember that thou keep holy the Sabbath Day,’ acts of piety towards God,

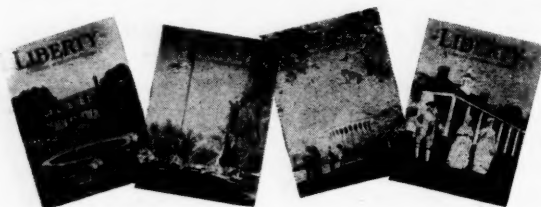


Someone has truly said that "it is the common fate of the indolent to see their rights become a prey to the active." Liberty is not offered on the bargain counter, even in our fair land. Far too many take it for granted. Liberty will be preserved only by our eternal vigilance. *Liberty: A Magazine of Religious Freedom* is working earnestly that the United States shall not go the way other nations have gone in respect to religious liberty.

Believing that many of our readers would like to aid the cause of religious liberty, we have prepared an order form that can be used in sending in lists of subscriptions. This coupon appears below.

Should it be your wish to send in more subscriptions than the coupon provides for, you may attach an additional sheet of paper, listing names and addresses.

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attendance at divine worship and rest from daily labor. These are the primary requirements for the proper observance of Sunday. However, honest and moderate recreation may also be enjoyed by everyone on this day.

"Labor occupies our lives, and too much of it, with its attendant strain, is not compatible with our nature. Moreover, for the majority of people, Sunday is the only opportunity for relaxation.

"For this reason, far from forbidding all recreation, the Church invites us, after we have performed our spiritual duties, to re-create ourselves in an honest and innocent manner.

"Recreation is as necessary for us as any of our other duties; and it is necessary to perform our other duties well.

"This teaching of the Catholic Church is summed up in the words of the Divine Master, 'The Sabbath was made for man, and not man for the Sabbath' (Mark 2:27), meaning, thereby, that the Sabbath was ordained by God for man's spiritual and physical needs.

"Therefore, we, the members of the Catholic Priests' Association of Jefferson County, go on record as favoring any Sunday program of wholesome recreation and entertainment that will tend to meet the physical, cultural and social needs of this community."—*Catholic Universe Bulletin*, Dec. 23, 1949.

## **The Hour for Heroism in Czechoslovakia**

**A** LIFE-AND-DEATH STRUGGLE between the Catholic Church and the totalitarian state in Czechoslovakia is inevitable. The communist regime in Prague has seen to that. The issues involved will be clear-cut. The Czechoslovak hierarchy has seen to that. In an effort to keep the churches open and to save the priests for the spiritual care of the faithful, the bishops had authorized their clergy to take the stipulated oath of allegiance to the People's Democracy—with the reservation "unless it be contrary to the laws of God and the Church and the natural rights of man." Vaclav Nosek, communist Minister of Interior, refused on November 12 to permit any such reservation (*Am.*, 11/26, p. 217). At a subsequent secret session the bishops surveyed the situation and decided the hour had come for heroism. "In this most critical time"—the statement signed by Archbishop Josef Beran and his twelve colleagues of the hierarchy decreed—priests "who have so often called upon the faithful for sacrifices for their beliefs" must now demonstrate their own fidelity. At the risk of suspension, the clergy are instructed to add the prescribed reservation when taking the oath of allegiance. They must refuse government salaries when the money imports "the services of Judas." They must spurn communist control of their sermons and religious teach-

ing, must continue to obtain the authorization from their bishop for new ecclesiastical appointments, ignoring the government consent decree. The counsel of the Czechoslovak bishops to their priests is an index of the ominous future: "The life which is shortened by suffering is worth more and gives more to the soul than the long life and easy actions by which the work of Christ would be wasted, the faith spoiled by heresy, the order of God broken and the life of the faith weakened and replaced by paganism."—*America*, Dec. 10, 1949. Reprinted by permission America Press, 70 East 45th Street, New York 17, N.Y.

### **Requests for Masses Ruled Taxable**

**SPRINGFIELD, O.**—Funds designated in a will to be used for Masses for the dead are taxable, the Ohio Second District Court of Appeals ruled here.

The court thus affirmed an earlier decision by Judge Harry G. Gram of the Clark County Probate Court, which was appealed by Frank L. Nevius, executor of the will of the late Mary A. Kennedy.

The deceased had stipulated in her will that \$2,000 be set aside "for Masses to be offered in St. Raphael church in Springfield, Ohio, for the deceased members of the family of my parents, Edward Kennedy and Mary Kennedy, including, of course, Masses for the repose of my soul."

The decision cited a Supreme Court precedent which said:

"When a testatrix by will sets up trusts, the income or principal of which is to be paid in weekly installments to the pastors of designated churches for the purpose of saying Masses for herself, her family and relatives, such trusts are taxable successions under the provisions of Section 5332, General Code."—*Religious News Service*, Feb. 2, 1950.

### **Eleven Store Employees Fined for Working on Sunday**

**SUFFOLK, VA., JAN. 17.**—Eleven employes of United Department Stores have been convicted in City Civil and Police Court here and given the minimum fine of \$5 each on a charge of working on Sunday.

Store manager R. W. Pegram also has been fined \$10 on each of two charges, working on Sunday and failing to post proper working schedules in the place of business. The employes were used to take inventory.

The convictions yesterday came on warrants sworn by Mrs. Jessie M. Sharp, director of the Women's and Children's Division of the State Department of Labor and Industry.—*Washington Star*, Jan. 17, 1950.

### **Rules Mohammedans Must Attend School Friday**

**PHILADELPHIA**—The Pennsylvania State Superior Court ruled here that public school children of the Mohammedan faith may not miss classes on Friday to observe their Sabbath.

The court, in an opinion by Judge Claude T. Reno, upheld the conviction of Stevenson and Laura Bey of Pittsburgh on charges of violating the compulsory attendance provisions of the Pennsylvania school code.

Judge Reno remarked that "it is virtually impossible to educate a child who is absent one day a week." He said the defendants had the right to send their children to a private school, but having chosen a public school they must obey the state regulations.—*Religious News Service*, Jan. 13, 1950.

### **Public School Bible Reading Stirrs Suit**

**PATTERSON, N.J., Nov. 12.**—A suit in which the mother of a Hawthorne, N.J., high school girl is seeking to enjoin the Hawthorne Board of Education and the State of New Jersey from allowing daily Bible readings in the public schools, will be heard Monday in the Superior Court by Judge Robert H. Davidson.

"Mrs. Anna Klein, who brought the suit on April 25, was joined as a co-plaintiff by Donald R. Doremus, of East Rutherford, N.J. Both Mrs. Klein and Mr. Doremus are directors of the United Secularists of America, one of whose aims is defense of the constitutional provision of separation of church and state.

"At a pre-trial hearing on Friday, Henry R. Schenk, Chief Deputy Attorney General, and other defense attorneys representing the Hawthorne Board of Education as well as the National Catholic Welfare Council conceded that the Bible was read daily in the Hawthorne public schools in conformity with a state statute.

"They did not agree, however, with Heyman Zimel, counsel for Mrs. Klein and Mr. Doremus, that reading the Bible constituted a religious act and therefore could be considered unconstitutional. Mrs. Klein's daughter, Miss Gloria Klein, seventeen, is a senior in the Hawthorne High School."—*New York Herald Tribune*, Nov. 13, 1949.

This dispatch seems to say that the attorneys representing the National Catholic Welfare Council were associated with other defense attorneys representing the State and the Hawthorne Board of Education. We wonder whether or not the attorneys of the National Catholic Welfare Council would approve the reading of what is commonly called the King James Version of the Bible. Could it be possible that the Catholic version is being read?



EWING GALLOWAY

## Freedom of Thought

**C**ONDEMN no man for not thinking as you think. Let every one enjoy the full and free liberty of thinking for himself. Let every man use his own judgment, since every man must give an account of himself to God. Abhor every approach, in any kind or degree, to the spirit of persecution. If you can not reason nor persuade a man into the truth, never attempt to force a man into it. If love will not compel him to come, leave him to God, the judge of all.

—JOHN WESLEY.



